

## **Agenda**

**Catherine Rybczynski Town Clerk**

**Town Board of the Town of Hamburg**

**January 23, 2023**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. In Recognition of Clara Strack**
- 4. In Recognition of Sharon A. Welsh**
- 5. Minutes of Previous Meeting**
- 6. Continuation of Hearing for Prop Local Law #12, 2022**
- 7. Continuation of Hearing Prop Local Law #13, 2022**
- 8. Schedule Hearing on Ch. 76**
- 9. Town Engineering Consultant Services**
- 10. Out of Town Travel Request - POLICE**
- 11. Out of Town Travel Request - POLICE**
- 12. Scranton Vol. Fire Co. - New Member: Michael Best**
- 13. Albany Conference**
- 14. Aerial Truck purchase**
- 15. Highway Garage Roof**
- 16. B&G PAF**
- 17. B&G Sand Filter Replacement Contract Award**
- 18. PAF - Tax Receiver**
- 19. Mt Vernon District CCTV - ARPA**
- 20. Recreation Department 2022 Appropriation Transfer**
- 21. Recreation Department 2022 Appropriation Transfer #2**
- 22. Garage Heating System**
- 23. Electrical Inspection Services**
- 24. 2023 Wendel Contract**
- 25. Roundtree Playground Request - final**
- 26. Woodlawn Volunteer Fire Co. - EMS/Ambulance Fees**

- 27. Woodlawn Storm water Pump Station Emergency repairs**
- 28. Mt Vernon Sanitary Sewer CCTV inspection**
- 29. Credit Card Policy**
- 30. Procurement Policy**
- 31. Camp Road Interchange District**
- 32. Negative Declaration - Proposed Local Laws Nos. 12 & 13**
- 33. Proposed Local Law No. 12**
- 34. Proposed Local Law No. 13**
- 35. Hamburg Comprehensive Plan SEQR Neg Dec**
- 36. Comprehensive Plan**
- 37. Industrial Rezonings**
- 38. New Ag District and 3 new overlays**
- 39. Scranton Vol. Fire Co. EMS/Ambulance Fees**
- 40. Amendment - Big Tree Vol. Fire Co. EMS/Ambulance fees**
- 41. Business from the Floor**
- 42. Meeting is adjourned by Supervisor**



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**3. In Recognition of Clara Strack**

WHEREAS, Hamburg Bulldog Clara Strack has been playing basketball in the Town of Hamburg since her start with the Hamburg Little Cagers organization; and

WHEREAS, Clara has shared in victory and defeat with her teammates, friends, and family; and

WHEREAS, Clara has and will continue to serve as a role model to student athletes in the Hamburg community and beyond; and

WHEREAS, Clara has reached and surpassed several school records including most points in a single game, 47, and most points in a single season, 637; and

WHEREAS, the previous total career scoring record has been held by Adam Zoeller for over twenty years; and

WHEREAS, on January 12, 2023, Clara surpassed Mr. Zoeller's record by scoring her 1,385th point; and

WHEREAS, the Hamburg Community is proud of Clara's accomplishments and looks forward to watching her continued success on the court and in the classroom at Virginia Tech this fall.

NOW, THEREFORE, BE IT RESOLVED, that the Hamburg Town Board recognize Clara Strack by designating January 12, 2023, as Clara Strack Day in the Town of Hamburg.

MOVED: R. HOAK

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**4. In Recognition of Sharon A. Welsh**

WHEREAS, the Town of Hamburg acknowledges the retirement of Sharon A. Welsh, a dedicated, hardworking, loyal employee who always had the best interest of her coworkers and the Town of Hamburg at heart; and

WHEREAS, Sharon's service with the Town spanned a period of almost 16 years as Public Safety Dispatcher; and

WHEREAS, Sharon worked as a Police Dispatcher for the Buffalo Police Department for over 10 years prior to coming to the Town of Hamburg; and

WHEREAS, Sharon has continuously demonstrated a fun-loving attitude, kindness, and friendship to her coworkers and the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg and the Public Safety Dispatch Office recognize Sharon as a devoted public servant; and

BE IT FURTHER RESOLVED, that Sharon's co-workers and friends in public service thank her for her contributions to our Town and wish her a long, happy and healthy retirement with her husband, Gary, and daughter, Autumn.

BE IT FURTHER RESOLVED, that to our friend and fellow Public Safety Dispatcher, Sharon A. Welsh, we say thank you for a job well done.

MOVED: R. HOAK

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**5. Minutes of Previous Meeting**

RESOLVED, that the Hamburg Town Board does hereby approve the minutes of the previous meeting as follows:

December 12, 2022

Moved: Comerford

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**6. Continuation of Hearing for Prop Local Law #12, 2022**

**LEGAL NOTICE TOWN OF HAMBURG**

**NOTICE OF PUBLIC HEARING**

**Proposed Local Law #12, 2022**

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will meet on January 23, 2023, at the Hamburg Town Hall to continue the public hearing held on December 12, 2022, on proposed local law local law #12, 2022. This local law provides for an amendment to the Code of the Town of Hamburg, Chapter 280, entitled "Zoning", specifically Section 280-133A, "Principal Uses and Structures" by removing bituminous processing facilities as a permitted use in M-3 districts.

A copy of the proposed amendment will be available, for public review, during regular business hours at the HAMBURG TOWN HALL, Town of Hamburg Clerk's Office, 6100 South Park Avenue, Hamburg, New York 14075, and on the Town of Hamburg's website: [www.townofhamburgny.com](http://www.townofhamburgny.com), click on "Legal Notices and Bids."

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will continue the public hearing on January 23, 2023, at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: December 12, 2022

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**7. Continuation of Hearing Prop Local Law #13, 2022**

**LEGAL NOTICE TOWN OF HAMBURG**

**NOTICE OF PUBLIC HEARING**

**Proposed Local Law #13, 2022**

PLEASE TAKE NOTICE that the Town Board of the Town of Hamburg will meet on January 23, 2023, at the Hamburg Town Hall to continue the public hearing held on December 12, 2022, on proposed local law #13, 2022. This local law provides for a new Article LVII in Chapter 280 of the Town of Hamburg Town Code, entitled “Bituminous Processing Facilities,” prohibiting asphalt plants and bituminous processing facilities in the Town of Hamburg.

A copy of the proposed amendment will be available, for public review, during regular business hours at the HAMBURG TOWN HALL, Town of Hamburg Clerk’s Office, 6100 South Park Avenue, Hamburg, New York 14075, and on the Town of Hamburg’s website: [www.townofhamburgny.com](http://www.townofhamburgny.com), click on “Legal Notices and Bids.”

THEREFORE, pursuant to the statutes and the provisions of the Municipal Home Rule Law, the Town Board of the Town of Hamburg will continue the public hearing on January 23, 2023, at 7:00 p.m. (local time), at which time all interested persons may be heard.

Dated: December 12, 2022

Catherine Rybczynski  
Town Clerk  
Town of Hamburg

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**8. Schedule Hearing on Ch. 76**

WHEREAS, The New York State Department of State has filed a Notice of Adoption of a rule repealing and replacing Part 1203 of Title 19 of the New York Codes, Rules and Regulations, and

WHEREAS, Part 1203 is a Division of the New York State Uniform Fire Prevention and Building Code became effective on December 30, 2022, and

NOW THEREFORE BE IT RESOLVED that the Town Board schedule a public hearing to consider an amendment to the Hamburg Town Code, Chapter 76, Building Code, that provides for the Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in the Town of Hamburg by replacing the existing Chapter 76 with updated “Building Code Administration and Enforcement” to reflect changes made by the State of New York. The public hearing will be held on February 13, 2023, at 7:00 P.M.

Moved: Hoak

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**9. Town Engineering Consultant Services**

WHEREAS, on January 24, 2022, the Town of Hamburg Town Board authorized a three-year extension of the Town Engineering Consultant services agreement with GHD Consulting Services Inc (GHD); and

WHEREAS, the fee for such services are to be negotiated annually; and

WHEREAS, the Town and GHD have negotiated a fee for 2023 services up to the amount of \$88,000.00; and

WHEREAS, funds for the 2023 contract year are available in Account A.1440.0440.

NOW THEREFORE BE IT RESOLVED the Town Board authorizes the Supervisor to sign the 2023 contract amendment between the Town of Hamburg and GHD.

MOVED: R. HOAK

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**10. Out of Town Travel Request - POLICE**

RESOLVED, the Town Board authorize Lieutenant Jonathan Cross, Detective Jeffrey Bullard, Officer Bret McCabe, and Officer Andrew Sulski to attend the 2023 NYTOA Tactical Training Conference & Expo in Verona, NY from Monday, April 24, 2023 – Friday, April 28, 2023.

Lodging (2 rooms for 4 nights @ \$185.00):	\$ 1,480.00
Meals (5 days EACH @ \$50 per day):	\$ 1,000.00
Registration Fee (4 @ \$399.99):	\$ 1,599.96
<b>TOTAL COST:</b>	<b>\$ 4,079.96</b>

WHEREAS, use of Unmarked Police Vehicle for transportation is requested.

Money is available in B3120.492 Seminars/Dept Training.

Moved: K. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
NYTOA TacOps Conference & Expo Agenda	1/17/2023	Cover Memo



# TACOPS NORTH

## NYTOA TACTICAL TRAINING CONFERENCE

### TURNING STONE RESORT - VERONA, NY

Updated: 1/10/23

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## MONDAY APRIL 24, 2023

5:30pm to 8:30pm	Early Attendee Registration & Welcome Reception	Exit 33 Atrium
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## TUESDAY APRIL 25, 2023

7:00am to 9:00am	Conference registration (ALL ATTENDEES MUST REGISTER)	Event Center
10:00am to 5:00pm	Chemical Munitions Instructor Certification (Defense Technology) Instructor: Defense Technology Training Academy	Meadow
10:00am to 5:00pm	Chemical Agent Aerosol (Presidia Gel) Instructor Certification Instructor: Reflex Protect Tactical	Birch
10:00am to 5:00pm	Pistol Mounted Optics Operator Certification (Live Fire) Instructor: Scott Reidy, Sig Sauer Academy	Canastota Conservation Club
10:00am to 5:00pm	Tactical Combat Casualty Care For First Responders (TCCC) Instructor: Shawn Soler, EMT-P , Medicine in Bad Places	SENECA
10:00am to 5:00pm	Distraction Device Instructor Certification( ALS) Instructor: Bill Gazza, ALS	Briar & Germany Road
10:00am to 6:00pm	TASER Conducted Energy Weapon (CEW) Basic Instructor Course <i>Requires completion of the online component before the conference</i> Instructor: Erik Kleynen, Taser   Axon	MOHWAK
10:00am to 5:00pm	Patrol Less Lethal Impact Munitions Instructor Certification Instructor: Phil Shingleton, Combined Systems Inc.	CHAUTAQUA & GERMANY ROAD
10:00am to 5:00pm	O.C. Instructor Certification Instructor: Sabre	CAYUGA
10:00am to 5:00pm	Tactical Patrol Rifle Instructor: Erik Eltz, Newburgh PD & Elliott Brooks, OCSO	Deerfield Range
10:00am to 5:00pm	Dominating from Bad Positions on the Ground Instructor: Jay Wadsworth, EFC Combatives	Cypress Room AB
10:00am to 1:00pm	Building Clearing Tactics & Strategies Instructor: Travis Snyder, Progressive Force Concepts	Tac House 2
10:00am to 1:00pm	Defense Against Knife Attacks Instructor: Ed Raso & Jason Williams & Mark Rupper, Krav Maga NY	Cypress Room DE
10:00am to 1:00pm	Surviving Deadly Encounters Instructor: Kyle Shoberg, Field Survival Training	Oneida Ballroom
2:00pm to 5:00pm	Mission Command and Philosophy: How to achieve consistent solo response to an Active Shooter Instructor: Scott M. Hederkham (RET) State of Washington	Tuscarora
2:00pm to 5:00pm	Combat Mindset Lecture Instructor: Anthony Amoroso, NYTOA	Onondaga
2:00pm to 5:00pm	Tactical Decision Making in Leadership Instructor: Matthew Werner, Naval Special Warfare Development Group (ret)	Oneida Ballroom
2:00pm to 5:00pm	Building Clearing Tactics & Strategies Instructor: Travis Snyder, Progressive Force Concepts	Tac House 2
8:00pm to 9:30pm	An Evening with John Mulrooney Comedy Show	Showroom

11:00am to 6:00pm	Vendor Show	Event Center
11:00am to 3:00pm	Raffle Prizes	Event Center
7:00am to 12:00pm	Tactical Handgun Instructor: Erik Eltz, Newburgh PD & Elliott Brooks, OCSO	Deerfield Range #2
8:00am to 11:00am	Officer Rescue Instructor: Mark Redlich, Field Survival Training	Onondage
8:00am to 11:00am	Sniper Incident Debriefs and Post Incident Analysis Instructor: Charles Moser, Las Vegas Metro PD	Chautauqua
8:00am to 11:00am	Building Clearing Tactics Instructor: Travis Snyder, North Las Vegas PD	Event Center Tactical House 1
8:00am to 11:00am	Warrant Planning & Preparation Instructor: Heath Beaudoin, NYTOA	Seneca
8:00am to 11:00am	Solo Officer Response to an Active Shooter Response Techniques Instructor: Scott M. Hederkham (RET) State of Washington	Event Center Tactical House 2
8:00am to 11:00am	Weapon Retention & Presentation from CQB Instructor: Jay Wadsworth, EFC Combatives	Cypress Room C
9:00am to 11:00am	Featured Debrief: PTSD Marine / Suicide by cop Instructor: Dennis Flynn, Las Vegas PD (Ret.)	Oneida Ballroom
8:00am to 11:00am	Tactical Threat Recognition (The Six Layer Concept) Instructor: Lynn Westover & Jay Seese, Six Layer Concepts	Cypress Room AB
8:00am to 11:00am	Individual First Aid Kit (IFAK) Care for Law Enforcement Instructor: Shawn Soler, EMT-P , Medicine in Bad Places	Cypress Room DE
8:00am to 11:00am	AR-15 / M-16 MAINTENANCE & CARE Instructor: Greg "Sully" Sullivan, SLR15 Rifle, Inc.	Tuscarora
2:30pm to 4:00pm	KEYNOTE: Resilience in Law Enforcement Instructor: David Atkins—New York State Police (Retired)	Oneida Ballroom
4:15pm to 6:00pm	Larger Raffle Prizes Drawn	Event Center
7:00pm—10:00pm	Attendee, Staff and Exhibitors Reception <i>Dinner/Entertainment</i>	EXIT 33 NIGHTLIFE VENUES

11:00am to 3:00pm	Vendor Show	Event Center
8:00am to 12:00pm	Sabre 0.68 Caliber Launcher & Projectile Instructor Certification Course [1 of 2] Instructor: Sabre	Birch
7:00am to 12:00pm	Sniper: Hiding in Plain Sight—The Art of Camouflage and Concealment Instructor: Charles Moser, Las Vegas Metro PD	Briar
8:00am to 12:00pm	Instructor Development Workshop for Firearms Instructors <i>Must take morning session to qualify for afternoon range block (range not required)</i> Instructor: Erik Eltz, Newburgh PD & Elliott Brooks, OCSO	Seneca
8:00am to 12:00pm	Grenadier Instructor Course [1/3] Instructor: Defense Technology Training Academy	Saranac
8:00am to 12:00pm	Tactical Threat Recognition (The Six Layer Concept) Instructor: Lynn Westover & Jay Seese, Six Layer Concepts	Onondaga
8:00am to 11:00am	Building Clearing Tactics Instructor: Travis Snyder, Progressive Force Concepts	Tac House 2
8:00am to 11:00am	Ballistic Shield Operations Instructor Anthony Amoroso, NYTOA	Cypress Room C & Tac House 1
8:00am to 12:00pm	<b>Barricaded Suspect Resolution [1 of 2]</b> <b>Instructor: TBA</b>	<b>Mohawk</b>
8:00am to 12:00pm	AR-15 / M-16 Armorer Certification Course (SLR15) [ 1 of 3 ] Instructor: Greg "Sully" Sullivan, SLR15 Rifle, Inc.	Meadow
8:00am to 12:00pm	<b>PepperBall Instructor Certification Course [ 1 of 2 ]</b> <b>Instructor: PepperBall Technologies</b>	<b>Adirondack</b>
8:00am to 12:00pm	Scenario Instructor Certification (Simunition) [1 of 3 ] Instructor: Mike Leming, Simunition	Canandaigua
8:00am to 12:00am	4-Dimensional Firearm Defense (4DFD) Instructor: Jay Wadsworth & Doug Janowicz, Progressive Force Concepts	Cypress Room DE
8:00am to 12:00pm	Tactical Team Leader Development [ Part 1 of 2 ] Instructor: Tim Swanson, FBI HRT	Tuscarora
8:00am to 12:00pm	Shotgun Breaching Operator [1 of 2] (CTS) Instructor: Phil Shingleton, CTS	Catskill
8:00am to 12:00pm	Distraction Device Instructor Certification (Defense Technology) [1 of 2] Instructor: Defense Technology Training Academy	Chautauqua
8:00am to 12:00pm	Chemical Munitions Instructor Certification (CTS) [1 of 2] Instructor: CTS	Cayuga
8:00am to 12:00pm	Featured Debrief: Officer Involved Shooting Instructor: Lance Zaleski, Madison County Sheriff's Office (NY)	Oneida Ballroom
12:00pm to 1:30pm	LUNCH SERVED	Event Center
12:00pm to 3:00pm	RAFFLE PRIZES / GOLD SPONSOR RAFFLE AT 2PM	Event Center

3:00pm to 6:00pm	Sabre 0.68 Caliber Launcher & Projectile Instructor Certification Course [1 of 2] Instructor: Sabre	Germany Road Facility
3:00pm to 6:00pm	Building Clearing Tactics Instructor: Travis Snyder, Progressive Force Concepts	Tac House 2
3:00pm to 6:00pm	Grenadier Instructor Course [2/3] Instructor: Defense Technology Training Academy	Saranac
3:00pm to 6:00pm	Barricaded Suspect Resolution Lecture [2 of 2] Instructor: TBA	Mohawk
3:00pm to 6:00pm	Chemical Munitions Instructor Certification (CTS) [2 of 2] Instructor: Lance Guckenberger, CTS	Deerfield Range #2
3:00pm to 6:00pm	Distraction Device Instructor Certification (Defense Technology) [2 of 2] Instructor: Defense Technology Training Academy	Germany Road Facility
3:00pm to 6:00pm	AR-15 / M-16 Armorer Certification Course [ 2 of 3 ] Instructor: Greg "Sully" Sullivan, SLR15 Rifle, Inc.	Meadow
3:00pm to 6:00pm	Scenario Instructor Certification (Simunition) [ 2 of 3 ] Instructor: Mike Leming, Simunition	Canandaigua
3:00pm to 6:00pm	4-Dimensional Firearm Defense (4DFD) Instructor: Jay Wadsworth & Doug Janowicz, Progressive Force Concepts	Cypress Room DE
3:00pm to 6:00pm	PepperBall Instructor Certification Course [ 2 of 2 ] Instructor: PepperBall Technologies	Germany Road Facility
3:00pm to 6:00pm	Shotgun Breaching Operator [2 of 2] (CTS) [2 of 2] Instructor: Phil Shingleton, CTS	Deerfield Range #1
3:00pm to 6:00pm	Tactical Team Leader Development [ Part 2 of 2 ] Instructor: Tim Swanson, FBI HRT (ret)	Tuscarora
3:00pm to 6:00pm	Handgun Retention Instructor: Ed Raso & Jason Williams & Mark Rupper, Krav Maga NY	Appalacian
3:00pm to 7:00pm	Instructor Development Workshop for Firearms Instructors w/ Range <i>Must take morning session to qualify</i> Instructor: Erik Eltz, Newburgh PD & Elliott Brooks, OCSO	Canastota Conservation Club
3:00pm to 6:00pm	Individual First Aid Kit (IFAK) Care for Law Enforcement Instructor: Shawn Soler, EMT-P , Medicine in Bad Places	Cayuga
3:00pm to 6:00pm	Lessons learned in Leadership and the Uncomfortable topics Instructor: David Kryger, Haverstraw PD (Ret)	Oneida Ballroom
3:00pm to 6:00pm	Massive Hemorrhage, Airway, and Respiration Care for the First Responder Instructor: Phokus Research	Seneca

8:00am to 12:00pm	Featured Debrief: The Impact of Officer Involved Shootings Instructor: James Gray, Indianapolis Police Department	Oneida Ballroom
8:00am to 4:00pm	Impact Munitions Instructor Certification (Defense Technology) Instructor: Jim Morgan, Defense Technology Training Academy	Canandaigua & Germany Road
8:00am to 3:00pm	Sniper: Moving Target Engagements Instructor: Charles Moser, Las Vegas Metro PD	Deerfield Range #1
9:00pm to 12:00pm	Defense Against Handgun Threats Instructor: Ed Raso & Jason Williams & Mark Rupper, Krav Maga NY	Cypress Room C
8:00am to 4:00pm	Warrant Planning & Preparation w/ Table Top Exercises Instructor: Heath Beaudoin, NYTOA	Tuscarora
8:00am to 4:00pm	AR-15 /M -16 Armorer Certification Course [ 3 of 3 ] Instructor: Greg "Sully" Sullivan, SLR15 Rifle, Inc.	Meadow
8:00am to 4:00pm	Impact Munitions Instructor (CTS) Instructor: Lance Guckenberger, CTS	Cayuga & Germany Road Facility
8:00am to 4:00pm	Distraction Device Instructor Certification (CTS) Instructor: Phil Shingleton, CTS	Briar & Germany Road Facility
8:00am to 4:00pm	Grenadier Instructor Course [3/3] Instructor: Defense Technology Training Academy	Canandaigua and Germany Road Facility
7:00am to 3:30pm	Live Fire Carbine: Movement Under Fire Instructor: Jay Wadsworth & Doug Janowicz, PFC	Canastota Conservation Club Range
8:00am to 3:00pm	Scenario Instructor Certification (Simunition) [ 3 of 3 ] Instructor: Mike Leming, Simunition	SUNY Morrisville
8:00am to 4:00pm	Impact Munitions Instructor Certification (ALS) Instructor: Bill Gazza, ALS	Seneca & Germany Road
8:00am to 4:00pm	Hostage Rescue Tactics Instructor: Tim Swanson, FBI HRT (ret)	Mohawk
8:00am to 4:00pm	Pistol Mounted Optics Operator Certification (Live Fire) Instructor: Scott Reidy, Sig Sauer Academy	Deerfield Range
8:00am to 4:00pm	CQB Tactics Concepts and Principles Instructor: Travis Snyder, Progressive Force Concepts	Tac House 1 & 2
1:00pm—3:00pm	Featured Debrief: HRT Manhunt Instructor: Ryan Eggers, Indiana River County Sheriff's Office (FL)	Oneida Ballroom

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**11. Out of Town Travel Request - POLICE**

RESOLVED, the Town Board authorize Captain Peter Dienes to attend the 2023 FBI National Academy Associates Inc Conference in Denver, Colorado from **Friday, July 29, 2023 – Tuesday, August 1, 2023.**

Lodging (5 nights EACH @ \$231.00):	\$ 924.00
Registration:	\$ 535.00
Meals (5 days EACH @ \$50 per day):	\$ 250.00
Travel:	\$ 417.95
<b>TOTAL COST:</b>	<b>\$2,126.95</b>

Money is available in B3120.492 Seminars/Dept Training.

Moved: K. Hoak

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**12. Scranton Vol. Fire Co. - New Member: Michael Best**

RESOLVED, that the Hamburg Town Board does hereby approve the request of the Scranton Vol. Fire Co. to add to its membership the individual as follows:

Michael Best

Moved: R. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
Letter	1/17/2023	Cover Memo

# *Scranton Volunteer Fire Company*

*5395 Scranton Road  
Hamburg, New York 14075*

January 12, 2023

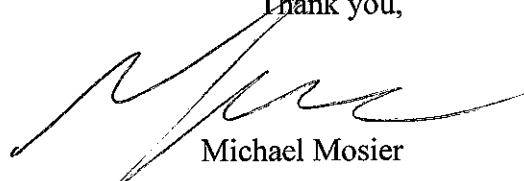
To the members of the Hamburg Town Board,

The members of the Scranton Volunteer Fire Company, have recently voted in Michael Best residing at 3823 Sowles Rd Hamburg NY 14075.

We are asking for the Town Board's approval for his membership.

If there are any questions, please contact Michael Mosier at (716) 989-8864.

Thank you,



Michael Mosier

Scranton VFC Corresponding Secretary

FILED IN THE  
TOWN CLERK'S OFFICE  
2023 JAN 17 A 10:05  
HAMBURG, NEW YORK



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**13. Albany Conference**

**RESOLVED**, that the Town Board approve the out- of -town travel for Highway Superintendent Ed Hughes to attend the Local Roads are Essential Advocacy Day in Albany, NY on Tuesday, March 7, 2023 and Wednesday, March 8, 2023.

Total cost to attend the seminar, including meals, registration and hotel accommodation is approximately, \$400.00.

Use of a town vehicle is requested.  
Funds are available in A5010.492

Moved: Farrell

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**14. Aerial Truck purchase**

**RESOLVED**, that the Town Board authorize, the Highway Department to purchase one (1) used 1999 Chevrolet aerial truck from the Village of Hamburg. The purchase price will be \$15,000.00 after the release of ownership of half of a trailer hot patch machine, currently owned in equal parts by both entities.

Funds are available in account DB5130.201.

MOVED: Farrell

**ATTACHMENTS:**

Description	Upload Date	Type
aerial	1/18/2023	Cover Memo

# VILLAGE OF HAMBURG

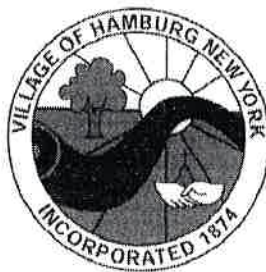
21

**MAYOR**  
THOMAS P. TALLMAN

**TRUSTEES**  
PAUL G. GAUGHAN  
LAURA PALISANO HACKATHORN  
HOLLY PARK  
JEFFREY DAVIS

**ATTORNEY**  
EDWARD J. MURPHY, III

**ADMINISTRATOR/CLERK-TREASURER**  
JASON COZZA



**VILLAGE JUSTICE**  
MICHAEL BIEHLER

**CHIEF OF POLICE**  
RICHARD SCHARA

**RECREATION SUPERVISOR**  
JOSHUA HAEICK

**FIRE CHIEF**  
JARED STERNER

**SUPT. OF PUBLIC WORKS**  
MARC SHUTTLEWORTH

100 MAIN STREET HAMBURG, NEW YORK 14075-4988  
TEL (716) 649-0200 FAX (716) 646-6558  
WEB SITE [www.villagehamburg.com](http://www.villagehamburg.com)

January 9, 2023

Town Of Hamburg  
6100 South Park Ave  
Hamburg, NY. 14075  
Attn: Edward Hughes Highway Superintendent.

Re: Purchase Agreement – 199<sup>9</sup> Chevrolet aerial Truck

Hi Ed Enclosed is a standard purchase agreement from the Village of Hamburg regarding the above listed Item. As soon as we receive the check and the sign agreement we will forward the title to your department.

Thanks

  
Marc Shuttleworth

# VILLAGE OF HAMBURG

22

**MAYOR**  
THOMAS P. TALLMAN

**TRUSTEES**  
PAUL G. GAUGHAN  
LAURA PALISANO HACKATHORN  
HOLLY PARK  
JEFFREY DAVIS

**ATTORNEY**  
EDWARD J. MURPHY, III

**ADMINISTRATOR/CLERK-TREASURER**  
JASON COZZA



**VILLAGE JUSTICE**  
MICHAEL BIEHLER

**CHIEF OF POLICE**  
RICHARD SCHARA

**RECREATION SUPERVISOR**  
JOSHUA HAEICK

**FIRE CHIEF**  
JARED STERNER

**SUPT. OF PUBLIC WORKS**  
MARC SHUTTLEWORTH

100 MAIN STREET HAMBURG, NEW YORK 14075-4988  
TEL (716) 649-0200 FAX (716) 646-6558  
WEB SITE [www.villagehamburg.com](http://www.villagehamburg.com)

## Inter Municipal Sales Agreement

Whereas, the Town of Hamburg and the Village of Hamburg have entered into an Inter municipal Agreement dated July 1, 2015 in which the Town of Hamburg and the Village of Hamburg agreed to jointly purchase, operate and maintain an asphalt pothole patch machine, according to the terms and conditions contained in that agreement: and Whereas, the Town of Hamburg has decided that it no longer requires the use of said asphalt pothole patch machine, and wishes to transfer any rights and/or interest it may have in said asphalt pothole patch machine to the Village of Hamburg, in conjunction with and as partial payment for the Village of Hamburg transferring a 1999 aerial truck to the Town of Hamburg: and

Whereas, the Village of Hamburg wishes to accept all of the Town of Hamburg's right, title and interest in and to the asphalt pothole patch machine as partial payment for the Village of Hamburg transferring its 1999 aerial truck to the Town of Hamburg; and

Whereas, both parties wish to terminate the aforesaid inter municipal Agreement without any further cost or conditions to either party as it relates to the ownership, operation, and maintenance of the asphalt pothole patch machine.

Now therefore, in consideration of the promises and covenants contained herein, it is mutually agreed by and between the parties hereto as follows;

That the Inter municipal Agreement dated July 1, 2015 between the Town of Hamburg and the Village of Hamburg relating to the purchase, operation and maintenance of the asphalt pothole patch machine is hereby terminated and that the ownership, operation and maintenance of the asphalt pothole patch machine shall be the sole responsibility of the Village of Hamburg.

Village of Hamburg

By \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Town of Hamburg

By \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Certificate of Sale Receipt:

23

Date of Sale 1/9/2023

**Current Owner:**

Village of Hamburg  
100 Main St.  
Hamburg, NY 14075

**New Owner**

Town of Hamburg  
6100 South Park Ave.  
Hamburg, NY 14075

Vehicle Info:

VIN # : 1GBKC34J2XF081602 | Year: 1999 | Make: Chev | Model: C35  
Body : Utility Color: White | Weight: 5842 | Fuel: Gas | Cylinders 8

It's agreed the sale price of the vehicle will be 15,000.00 payable to the Village of Hamburg and that the vehicle is sold as is condition.

It's also agreed that the Town of Hamburg will assign any ownership rights to a trailer hot patch asphalt patch machine that was purchased jointly by the Village and Town of Hamburg in 2015.

The machine description is as follows:

VIN # : 1C9TP1226F1418217 | Year: 2015 | Make: Crafc | Model: N/A  
Body : TRLR Color: Black | Weight: 3500 | Fuel: Non | Cylinders N

**Seller Confirmation**

X \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**Purchaser Confirmation**

X \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

HAMBURG VILLAGE OF  
100 MAIN ST  
HAMBURG

NY 14075

*CRAFCO  
PORTHOLE  
(MAGNETIC MACH.)*

*Equip  
d/n have to  
be plated or  
registered  
per D. S. 110*

021371

# CERTIFICATE OF TITLE

NEW YORK STATE

www.dmv.ny.gov



Title and Identification No.

1C9TP1226F1418217  
1C9TP1226F1418217

Year

2015

Make

CRAFC

Model Code

N/A

Body/Hull

TRLR

Document No.

430652Z

Color

BK

Wt./Sts./Lgth.

3500

Fuel

NON

Cyl./Prop.

N

New or Used

NEW

Type of Title

VEHICLE

Date Issued

11/02/15

Name and Address of Owner(s)

HAMBURG VILLAGE OF  
100 MAIN ST  
HAMBURG NY 14075

This document is your proof of ownership for this vehicle, boat or manufactured home. Keep it in a safe place, not with your license or registration or in your vehicle or boat. To dispose of your vehicle, boat or manufactured home, complete the transfer section on the back and give this title to the new owner.

Lienholder

Lienholder

\* NO LIENS RECORDED \*

\* NO LIENS RECORDED \*

Lienholder

Lienholder

\* NO LIENS RECORDED \*

\* NO LIENS RECORDED \*

MV-999 (1/11)

DEPARTMENT OF MOTOR VEHICLES

VOID IF ALTERED

VOID IF ALTERED

RECEIVED

SEP 24 2018

Village of Hamburg, Clerk

HAMBURG VILLAGE  
100 MAIN ST  
HAMBURG

NY 14075

*Sheds #10 New used product 4/18*

018180

## CERTIFICATE OF TITLE

## NEW YORK STATE

dmv.ny.gov



Title and Identification No.

1GBKC34J2XF081602  
1GBKC34J2XF081602

Year

1999

Make

CHEVR

Model Code

C35

Body/Hull

UTIL

Document No.

261264K

Color

WH

Wt./Sts./Lgth.

5842

Fuel

GAS

Cyl./Prop.

8

New or Used

USED

Type of Title

VEHICLE

Date Issued

9/17/18

Name and Address of Owner(s)

HAMBURG VILLAGE  
100 MAIN ST  
HAMBURG NY

14075

ODOMETER READING:

EXEMPT

EXEMPT

VEHICLE OVER 10 YEARS OLD

*not an insurance*

This document is your proof of ownership for this vehicle, boat or manufactured home. Keep it in a safe place, not with your license or registration or in your vehicle or boat. To dispose of your vehicle, boat or manufactured home, complete the transfer section on the back and give this title to the new owner.

Lienholder

Lienholder

\* NO LIENS RECORDED \*

\* NO LIENS RECORDED \*

Lienholder

Lienholder

\* NO LIENS RECORDED \*

\* NO LIENS RECORDED \*

MV-999 (1/15)

DEPARTMENT OF MOTOR VEHICLES

VOID IF ALTERED

VOID IF ALTERED

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**15. Highway Garage Roof**

**WHEREAS**, the Hamburg Highway Department has an immediate need for repair and replacement of the Highway Garage roof, including new gutters and downspouts at 2720 Lakeview Road. The roof is leaking badly, causing more damage to the structure and the heater for the building. Its condition poses a hazard to employees and equipment stored there.

**BE IT RESOLVED**, that the Highway Dept. has received 3 bids for above work.  
 Farrell Roofing - \$534,900.00, Building Innovation Group - \$380,655.00 and Sahlem's Roofing & Siding - \$190,000.00.

**BE IT FURTHER RESOLVED**, that the Hamburg Town Board approves the use of American Rescue Plan Act (ARPA) funds for this project, work to be done by Sahlem's Roofing, and authorizes its Finance Department to transfer the amount of \$190,000.00 from A.4089 - Federal Aid Other to H26.5110.303.403 for this purpose.

MOVED: Farrell

**ATTACHMENTS:**

Description	Upload Date	Type
roof	1/19/2023	Cover Memo
highway	1/19/2023	Cover Memo





January 13, 2023

ATTN: Ed Hughes  
RE: Town of Hamburg  
2720 Lakeview Rd.  
Lakeview, NY 14085

**TPO RETRO-FIT ROOF SYSTEM AT EXISTING METAL ROOF.**

**Work to include:**

1. Install new wood blocking at perimeters.
2. Cover existing skylights with metal and roof over.
3. Install flute filler in existing metal roof system.
4. Install 1.5" insulation mechanically attached.
5. Install .060 TPO fully adhered roof system.
6. Install all flashings to manufacturer's specifications.
7. Install new 24-gauge sheet metal work at perimeters.
8. Install new gutters and downspouts.
9. Remove all job-related debris.

**Includes:**

1. 20 yr. warranty
2. OSHA Fall Protection.
3. Prevailing wages.

**TOTAL \$190,000.00**

**Not included:**

1. Taxes are not included. Tax exempt form must be provided prior to materials being ordered.

\*No Guarantee on pricing or delivery of work at this time. If ready to move forward we will need to see what the availability of the materials and costs are at that time.

DATE ACCEPTED \_\_\_\_\_  
BUYER'S SIGNATURE \_\_\_\_\_

Sincerely,  
William B. Sahlem



1/5/2023

Attn: Ed Hughes

Re: Hamburg Re-Roof

Dear, Ed Hughes

Thank you for the opportunity to quote, the following items listed below are included in our quote.

***Work***

- 1) Re-roof of existing 160'x220' highway building using a Roof Hugger system over the existing roof. Existing roof is to remain.
- 2) New roof to be Doublelok 24 gauge galvalume hidden fastener, standing seam roof.
- 3) New 4" fiberglass insulation between existing roof and new roof.
- 4) New gutters, downspouts, ridge cap, and gable to complete the roofing system.
- 5) Demolition and disposal of existing gutters, downspouts, and any other non-structural demolition required to complete the roofing system.
- 6) Snow Guards can be added for and ADD of \$25.00 per linear foot, furnished and installed.

**The Total Pricing including Labor & Material:**

**\$380,655.00**

**EXCLUSIONS**

- A)** We have not included any utility fees or charges.
- B)** We have not included any building permit fees.
- C)** We have not included any special testing or inspections.
- D)** We have not included any abatement of any matter.
- E)** We have not included handling/disposal of hazardous materials.
- F)** We have not included any performance or payment bonds.
- G)** We have not included any roof curbs or roof boots for penetrations in the roof.
- H)** We have not included any engineering.
- I)** We have not included any skylights.

*Thank you for the opportunity to quote, feel free to contact us at any time if you have any questions.*

*Sincerely,*

A handwritten signature in black ink, appearing to read 'Garrett Frazier', with a stylized, flowing script.

*Garrett Frazier*

*Project Manager/Estimator*

---

November 10, 2022

To: TOWN OF HAMBURG  
2720 Lakeview Road  
LAKE VIEW NY 14085

ATTN: MR. EDDY HUGHES, Highway Superintendent

From: Tony Schunk

RE: Jameson Proposal #B-22-11-051 TOWN OF HAMBURG HIGHWAY GARAGE

**Dear Mr Hughes;**

We are pleased to have the opportunity to quote the Town of Hamburg Highway Department on the following  
**Scope of work:**

At the Highway Garage Roof areas measuring approximately 220 ft x 160 ft:

- A. All work to be performed per OSHA regulations.
- B. Existing 24 Ga Steel roof to remain and be retrofitted.
- C. Cover over existing fiberglass translucent skylights with ¾" Plywood fastened in place.
- D. Fill Existing Roof Flutes with rigid insulation and Mechanically attach ½" SecuRock Cover board over entire roof area per roof system manufacturer requirements.
- E. Install wood blocking at the roof perimeter as required for proper attachment of new sheet metal flashing.
- F. Install a 60 mil non reinforced Membrane Roof system.
- G. Install new ES-1 rated (code) 0.050" standard color Kynar aluminum Fascia with a 22 Ga Galvanized continuous cant dam at existing rake edges.
- H. Remove and Install new 0.050" standard color Kynar flanged aluminum gutter replacing the existing gutter.
- I. Remove and Install new 0.050" standard color Kynar 6"x5" aluminum downspout at existing downspout locations.
- J. Flash all curbs and penetrations per manufacturer approved details.
- K. Provide a 20 year 72 mph wind warranty by the roof system manufacturer.

**We Exclude:**

- 1) Anything not listed in the above scope of work.
- 2) Existing Entry roofs/ Canopies are not included.
- 3) Sales Tax (Owner to provide tax exempt info).
- 4) Winter work / Snow & Ice Removal
- 5) Changes in roofing schedule: project bid to start in good weather (start date to be mutually agreed upon between and the Owner) and roofing to complete in 40 good weather week-days as defined by our Inclement Weather Policy (available upon request). There will be a lag in the start of sheet metal installation due to the need to measure after completion of the roof. All material submittals must be returned and acceptable a minimum of 10 days before the work period starts.
- 6) 2<sup>nd</sup> or 3<sup>rd</sup> shift, Weekend or Holiday work (overtime work as defined by Union Contracts)
- 7) Permits, Bonds, Business or Workforce Participation requirements of any kind.

- 8) Cost for adjustments to scope if required by code and/or local building permit issuing authority.
- 9) Allowances for bad decking or other unforeseen conditions.
- 10) **Force Majeure – Coronavirus Disease 2019 (“COVID-19”)**. The parties acknowledge that the potential effects of the coronavirus disease (“COVID-19”) pandemic on the construction industry and the performance of construction projects are not yet fully known and are beyond the control of the parties. The effects of this pandemic may adversely affect Subcontractor’s workforce, the supply chain for materials, the delivery of materials and/or otherwise adversely impact the contractor’s ability to perform as planned, causing delays in the prosecution and completion of the work and the project. The parties agree that delays resulting from the effects of the COVID-19 pandemic are beyond the control of the parties, and if such delays occur, Subcontractor will be granted a reasonable extension of time and an equitable adjustment in the contract amount for the additional costs incurred by contractor resulting from the COVID-19 pandemic. Subcontractor shall give Contractor written notice of delay it experiences due to the COVID-19 pandemic and any additional costs it incurs due to such delay.
- 11) Contract Terms that are not in agreement with the terms of a standard AIA contract agreement. We reserve the right to demand that a Standard AIA contract be executed for this work. Payment terms to be 10 days net from approved payment application, unless otherwise set by law. If any billing items are missing at time of billing that would hold up payment, Farrell Roofing is to be notified in writing within ten days with an itemized list of missing items, otherwise annual interest of 18% will apply starting 10 days from the date of the invoice. In Lieu of an AIA contract, we agree to accept “Attachment A” combined with this proposal as our contract.
- 12) Insurance requirements beyond our Standard Coverage
- 13) Customer/specification mandated contractor orientation, on-site training, drug testing, security background checks, and similar requirements which may have added costs or time involved. The cost of all such requirements will be an extra payable to Farrell Roofing.
- 14) Material pricing can be volatile. We cannot guarantee timely delivery, and price spikes will have to be compensated to Farrell Roofing Co. if there are increases greater than 3% (annual) due to forces or events beyond our control.
- 15) Structural Demolition.
- 16) Removal of Asbestos or other hazardous materials. A HAZMAT survey by owner is required for all existing suspect materials to be removed and or disturbed
- 17) New Decking, Deck Repair or Replacement, Scarifying, cleaning or preparation of new substrates.
- 18) Correction of Deck irregularities. (Decks must be properly attached, level and flat for tapered insulation designs and must be sloped to drain and without deformations for flat insulation designs.)
- 19) Removal, Replacement and/or New Roof ladders or other miscellaneous metal / fabrications.
- 20) Repair or replacement of electrical or mechanical elements buried in the existing roof system to be removed or roofed over, or beneath the structural deck, and other repairs to the mentioned systems required as a result of their disturbance.
- 21) Repair or replacement of existing under deck fireproofing or insulation should it become loose, damaged, or fall during our work.
- 22) Protection of roof from damage by other trades. Cleanup or repair after other trades. The cost of any repairs to our work will be an add change order to our contract unless it is proven that the damage was caused by us.
- 23) Sill Flashing, Louvers and any Metal Flashing not in contact with roofing materials
- 24) Thru-wall Counter-flashing or Sheet-metal or Roofing material embedded in the work of others.
- 25) Non-standard sheet metal colors (custom colors, premium colors, 3 coat Kynar, etc).
- 26) Thru wall fabrics
- 27) Soffit Work
- 28) Field or Shop Painting of any kind.
- 29) Mechanical Curb work, insulation of curbs by others
- 30) Roof contractor shall not be liable for claims or damages arising from or related to deficiencies in roof drainage and consequences of water accumulating on the roof. It is the Owner’s responsibility prior to commencement of re-roofing to retain a licensed architect or mechanical engineer to determine and evaluate drainage design and compliance with applicable codes, including potential need for additional drains, scuppers, or overflow drains and it is the Owner’s responsibility to maintain drains so that they are not clogged and function properly. Roofing Contractor’s work does not include evaluation of the existing drainage, proper location or size of roof drains, drainage design, or adequacy of drainage.

**Proposed Cost: Five Hundred Thirty-Four Thousand Nine Hundred and no/100’s (\$534,900.00)**

This price will be honored for thirty (30) days from the bid date.

1. **Acceptance of Contract:** Acceptance of this contract is limited to the price and terms and conditions stated in this Proposal and any plans, specifications, and exhibits referenced herein. Terms on Customer's invoice, bills of lading or forms that are additional to or inconsistent with the provisions in this Purchase Order are rejected and shall be deemed a material alteration. No changes or deviations will be effective unless this accepted in writing by an authorized agent of A W Farrell & Son Inc. (hereinafter referred to as A.W. Farrell & Son, Inc. or Contractor).
2. **Workmanship:** Contractor will provide a subcontractors' warranty for workmanship on any Work completed, which fails to perform on this Project for a period of one (1) year from substantial completion. This warranty does not cover any work performed by or damaged caused by anyone other than employees of Contractor and does not cover "Acts of God" building deficiencies. This warranty does not cover general maintenance practices that are owner's responsibility outlined by the manufacturer's warranty. This warranty does not cover materials that were provided by or fabricated by Customer. This warranty does not cover damages that arise directly or indirectly from materials that were provided by or fabricated by Customer. This warranty shall be null and void until final payment is received by Contractor. This warranty is given as the exclusive warranty and remedy, and no other warranties, express or implied, including warranties or merchantability or fitness for a particular purpose are made. Contractor shall not be liable for any special incidental or consequential damages and Contractor hereby disclaims all liability for negligence and strict product liability whether or not under restatement of torts S404A and S402B, or under the common law. 6,560
3. **Payment:** If called for by the payment terms provided by this Proposal, Contractor will submit regular invoices to Customer for partial progress payment on such terms as the parties have agreed. Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner or General Contractor to the Contractor when the Contractor has fully performed the Work of this Agreement (full performance shall mean substantial completion of the work and submission of any required warranties; it shall not require completion of all agreed-upon punch list items). Contractor may terminate this Contract upon written notice to Customer of Customer's non-payment of any sums duly invoiced and not paid within 30 days. Additionally, Contractor may charge interest on any invoiced amounts not paid within 30 days at a rate of: (1) 1.5 % per month; or (2) if the laws of the jurisdiction in which the project is located mandate a lower rate, the highest rate allowable under the law.
4. **Communication:** Customer shall promptly make available to Contractor any and all information that might reasonably affect the Work and that becomes available to the Customer subsequent to the execution of this Proposal.
5. **Changes to the Work:** Any changes, alteration, or deviations from the Work described herein involving additional costs shall only be executed upon execution of a written change order signed by both parties, and such costs shall become an extra charge over and above this Proposal. Contractor shall not be obligated to perform additional work unless the terms of this subsection are complied with. However, if Customer request and authorizes additional work, and Contractor elects to perform additional work without a written change order, Contractor shall be entitled to payment for such additional work: (1) in the amount agreed upon by the parties; or (2) based on the reasonable value of the additional work, including margins for overhead and profit commensurate with those contemplated for the original Work by this Contract.
6. **Timing/Scheduling:** Customer shall cooperate with Contractor in scheduling the Work and shall provide Contractor reasonable access to the Project throughout the work as reasonable required for its completion. An adjustment shall be made for delays caused by the Customer, including profit on the increased cost of performance, should the work be suspended, delayed, or interrupted through no fault of Contractor, including but not limited to, Customer's failure to provide agreed upon materials or materials that fail to meet specifications if required by the Proposal that results in "down-time." All adjustments that result due to Customer's delay shall be made at the rate contemplated by Contractor at the time of the submission of the Proposal. No adjustment shall be made to the extent that: (1) performance is, was or would have been so suspended, delayed or interrupted by another cause for which the Contractor is responsible; or (2) an equitable adjustment is made or denied under another provision of this Contract.

7. **Liens:** All partial or final lien waivers shall be provided, in form satisfactory to Customer, only AFTER receipt by Contractor of payment for the materials and Work for which Customer seeks such waivers.
8. **Disclaimer of Liability:** a) Farrell Roofing shall not be liable for any claims, causes of action, costs, damages (property, personal injury, consequential, etc.), or any expenses (including attorney fees) whatsoever attributable to leaks (interior or exterior) or other roof conditions that are not explicitly within Farrell's scope of work. Customer agrees to indemnify AWF and hold AWF harmless from any such claims, causes of action, costs, damages, or expenses (including attorney fees).
- b) Unless explicitly agreed in writing, AWF is not liable for costs or damages arising from debris and/or leaks during execution of the Work; interior protection shall be Customer's responsibility.
- c) Customer acknowledges that re-roofing of an existing building may cause disturbance, dust or debris to fall into the interior and possibly, if hot asphalt or pitch is used, drippage may occur depending upon deck conditions. Customer agrees to remove or protect property directly below the roof in order to minimize potential interior damage. Contractor is not responsible for disturbance. Damage, clean up or loss to interior property. Customer shall notify tenants of re-roofing and the need to provide protection underneath areas being re-roofed. Customer agrees to hold Contractor harmless and indemnify from claims of tenants who were not so notified and did not provide protection.
- d) Contractor is not responsible for additional costs due to the existence of utilities, wet insulation, deteriorated deck or other subsurface or latent conditions that are not disclosed in writing to Contractor. The raising, disconnection or re-connection of any mechanical equipment on the roof that may be necessary for Contractor to perform the roofing work shall be performed by others or treated as extra work subject to the change order provisions of Section 5.
- e) Contractor is not responsible for damage done to Contractor's work by others. Any repairing of the same by Contractor will be charged at regular scheduled rates over and above the amount of this proposal pursuant to the change order provisions of Section 5.
9. **Termination for Cause:** Contractor may terminate this Contract upon written notice to Customer of Customer's non-payment of any sums duly invoiced and not paid within 60 days after coming due under this Proposal or any subsequent contract excluded by the parties. Further, Contractor may terminate this Proposal Should Customer fail to observe any other term or condition stated herein and fail to correct such breach within five (5) days of being notified in writing of Contractor intention to terminate this agreement.
10. **Dispute Resolution:** In the event there is a dispute or claim made against Contractor by Customer relating to Work contemplated herein, Contractor may at its election demand the dispute be referred to mediation and, if unsettled by mediation, to binding arbitration using Construction Industry Arbitration Rules of the American Arbitration Association. Any such proceedings shall be conducted in the county wherein the Project, or any part of it is located.
11. **Costs:** Customer shall indemnify Contractor for the cost and expenses Contractor may incur in the collection of any unpaid balance of the agreed upon price of the Work agreed to in this Proposal that is not timely paid by the Customer under the terms specified herein or under any subsequent contract executed by the parties. Such costs and expenses shall include, but are not necessarily limited to Contractor reasonable attorney's fees incurred in such collection efforts, whether or not litigation must be filed in order to collect the aforesaid unpaid sums.
12. **Asbestos and Hazardous Material:** This Proposal and contract is based upon the condition that the work to be performed by Contractor will not involve asbestos containing or toxic material and that Contractor will not encounter or disturb such materials during the course of performing the roofing work. Contractor is not responsible for expenses claims or damages arising out of the presence, disturbance or removal of asbestos containing or toxic material. In the event that Contractor encounters such materials, Contractor shall be entitled to reasonable compensation for all additional expenses incurred as a result of the presence of asbestos containing or toxic materials at the work site.

13. **Entire Agreement:** This document, together with any specifications, drawings or other documents made part thereof, shall constitute the entire agreement between the parties. The terms and conditions which govern the provisions of the goods or services described in the Agreement limited to the terms and conditions specified herein, and formation of any contract is expressly made conditional on customer's assent to these terms. The terms and conditions supersede all prior discussions, proposals, representation, and agreements. Contractor will not be bound by any additional, different or inconsistent terms in acknowledgement, novices or other documents from Customer.
14. **Price Volatility:** The construction industry is currently experiencing rapidly escalating prices and material availability problems beyond the Contractor's control relating all roofing related productions, including but not limited to steel and other metal construction products and Asphalt, isocyanate and asphalt-related products. Because of the difficulty in obtaining firm prices from suppliers, Farrell Roofing cannot provide fixed firm prices for roofing-related products. If there is an increase in the price of roofing-related products charged to the Contractor subsequent to making this Proposal/Contract, the price set forth in this Proposal/Contract shall be increased to reflect the additional cost to the Contractor upon Contractor's submittal of submit written documentation of the increased charges.
15. **Authority and Reliance:** Contractor and Owner each warrant and represent that: (i) they have relied upon their own judgment regarding the consideration for and language of this Agreement; (ii) they have been given the opportunity to consult with legal counsel regarding the terms of this Contract; (iii) they understand this document and have obtained answers all questions that have been raised about the document; and (iv) no statements made by the other party have in any way coerced or unduly influenced either party to execute this Contract. Contractor and Customer acknowledge that this Contract is written in a manner that is understandable that they have read all of the paragraphs of this Contract. Each party further acknowledges that they are entering into this Contract freely, knowingly, voluntarily, and with a full understanding of its terms. Each party warrants and represents that the party is not relying on counsel for any other party for the performance of any task, provision of any service or rendering of any advice for any purpose whatsoever, but instead is relying solely and exclusively on the party's own counsel for all matters relating to the terms of this Contract.
16. **Force Majeure.** In no event shall AWF be responsible or liable for any failure or delay in the performance of its obligations hereunder arising out of or caused by, directly or indirectly, forces beyond its control, including, without limitation, strikes, epidemic disease outbreaks, work stoppages, accidents, acts of war or terrorism, civil or military disturbances, nuclear or natural catastrophes or acts of God, loss or malfunctions of utilities, communications or computer (software and hardware) services, or interruptions to essential supply chains. Upon the occurrence of a "force majeure" event, AWF shall use reasonable efforts which are consistent with accepted practices in the roofing industry to resume performance as soon as practicable under the circumstances; however, if such efforts are impractical and remain so for a period of at least 30 days, AWF may without penalty terminate the agreement reflected by this Proposal and shall have no further obligation to Customer respecting completion of the Work.



Thank you for this opportunity and if you have any questions, please feel free to contact me.

Respectfully Submitted,

**A W Farrell & Son Inc.**

Accepted by:

---

**Company**

---

**Customer Name**

---

**Signature**

---

**Date**

**John W. Farrell**

**President**

**716-239-1665**

**jwf@awfarrell.com**



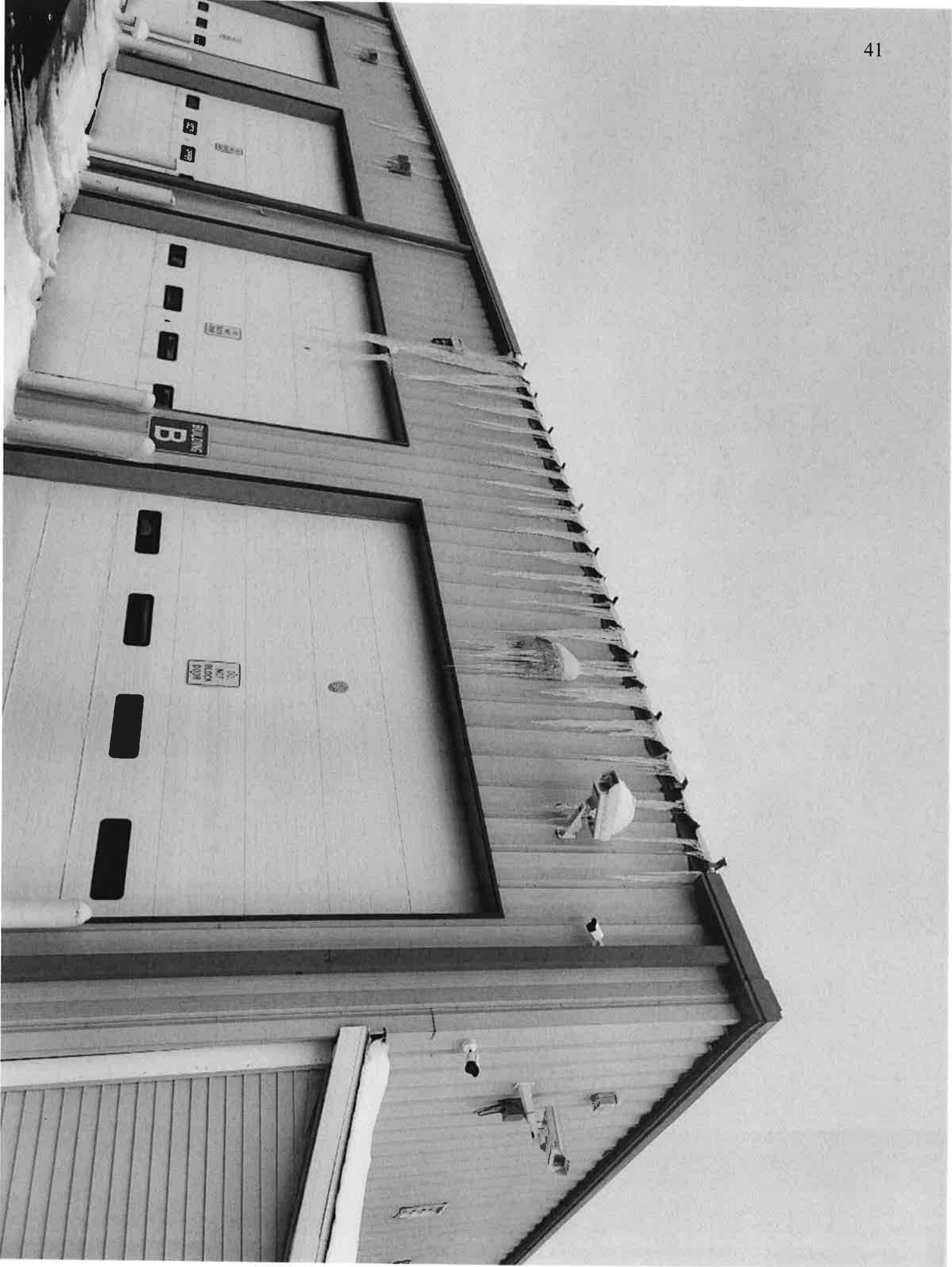
















**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**16. B&G PAF**

BE IT RESOLVED, that the Town Board approve the termination and hiring of the following employees in B&G.

Moved: Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
B&G PAF	1/19/2023	Cover Memo



**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**17. B&G Sand Filter Replacement Contract Award**

**WHEREAS**, bids were accepted through December 14, 2022 for the Sand Filter Replacement Project with related work at Town Highway Department at 2720 Lakeview Road and at the Town Ice Rink Complex at 2980 Lakeview Road,

**WHEREAS**, four (4) bids were received from:

Stock Service, Inc.	\$414,280.00
Visone Construction, Inc.	\$565,989.00
KD Equipment Corp.	\$690,000.00
E&R General Construction Inc.	\$695,800.00

**BE IT RESOLVED**, the Supervisor is authorized to sign the appropriate contract for these services with Stock Service, Inc. for the total price of \$414,280.00 from A.4089 - Federal Aid Other to be transferred to H26.5110.303.403 and EI.7266.303.403 for this purpose.

Moved: Connolly

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**18. PAF - Tax Receiver**

RESOLVED that the Hamburg Town Board does hereby approve the personnel action form (PAF) as attached.

Moved: Comerford

**ATTACHMENTS:**

Description	Upload Date	Type
PAF	1/19/2023	Cover Memo



**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**19. Mt Vernon District CCTV - ARPA**

WHEREAS, the Town of Hamburg has been under an Order on Consent by the New York State Department of Environmental Conservation (NYSDEC) since 2001 for Sanitary Sewer Overflows (SSO) from the Mt Vernon Sewer District; and

WHEREAS, the Town had authorized GHD Consulting Services, Inc to perform a sanitary sewer study and submit a final report to the NYSDEC; and

WHEREAS, the report, accepted by the NYSDEC, outlines the long-term needs, requirements, and schedule for abatement of SSOs in Mt Vernon; and

WHEREAS, the Town of Hamburg is working to resolve the SSO events in the Mt. Vernon Sanitary Sewer District; and

WHEREAS, the Town of Hamburg Engineering Department has requested pricing for CCTV of the entire system from United Survey Inc, from the current Erie County Maintenance Contract for Cleaning and televising of approximately 56,079 linear feet for existing sewer pipe 8"-12" in diameter, and cleaning and televising approximately 4,698 linear feet of existing sewer pipe over 12" -21" in diameter; and

THEREFORE BE IT RESOLVED, the Town Board authorizes transfer of funds from A.4089 - Federal Aid Other to A.1490.303.403 – Public Works-Permanent Improvements-ARPA

THEREFORE BE IT FURTHER RESOLVED, the Town Board authorize the supervisor to sign the Proposal 22-222 from United Survey, Inc, awarding Items 100 & 200 in the amount of \$203,397.75.

MOVED: CONNOLLY

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**20. Recreation Department 2022 Appropriation Transfer**

BE IT RESOLVED, that the Town Board approve the transfer of appropriations for Youth Equipment within the 2022 Budget, as follows: From: Recreation Administration A7020.100 \$60,000 To: Equipment A.7310.202 \$60,000.

Moved: Connolly

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**21. Recreation Department 2022 Appropriation Transfer #2**

BE IT RESOLVED, that the Town Board approve the transfer of appropriations for Payroll and Contractual Services within the 2022 Budget, as follows: From: Youth Programs Personnel A.7310.102 \$1,317.63 To: Contractual Services A.7180.440 \$553.00 and To: A.7180.102 Payroll \$764.63.

Moved: Connolly



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**22. Garage Heating System**

**WHEREAS**, the Hamburg Highway Department has an immediate need for replacement of the Highway Garage heating equipment, including radiant heating and boiler system at 2720 Lakeview Road. The heating equipment for the building is not in working order. The temperature in the building is 42 degrees, and makes it impossible for the employees to work there. Its' condition poses a hazard to employees and equipment stored there.

**BE IT RESOLVED**, that the Highway Dept. has received 3 bids for above work.

Mazza Mechanical Service - \$70,890.00, McAllister Plumbing, Heating & Cooling - \$81,897.00 and Lakeview Heating & Cooling - \$59,650.00

**BE IT FURTHER RESOLVED**, that the Hamburg Town Board approves the use of American Rescue Plan Act (ARPA) funds for this project, work to be done by Lakeview Heating & Cooling, and authorizes its Finance Department to transfer the amount of \$59,650.00 from A.4089 - Federal Aid Other to H26.5110.303.403 for this purpose.

MOVED: Farrell

**ATTACHMENTS:**

Description	Upload Date	Type
Heating System Quotes	1/19/2023	Cover Memo



**Hamburg Highway Department  
2720 Lakeview Road  
Lake View, New York  
14085**

**Quote No. ES23-0004**

**Attention: Ed Hughes  
Re: Heating Equipment Replacement**

**Date: 1-12-2023  
Quote Valid Until 2-12-2022**

Ed,

As requested here is a proposal to perform the following scopes.

- Replace the heating system in the "Shop" area.
- Replace the heating system in the "Maintenance" area.
- Replace the Hot Water Boiler.

**Equipment to be provided for the Radiant Tube Heating:**

- Qty-8 CTHN200 burners
- Qty-8 CP30Alum Core Pkgs
- Qty-8 EXP20Alum Ext Pkgs (total-50ft per heater of new tube/reflector)
- Qty-2 EP-201 Vacuum Pumps
- Qty-1 System Controller
- Qty-4 Analog T-stats
- Qty-8 Damper couplings
- Qty-2 4" Tees, Aluminized
- Qty-2 4" Cross, Aluminized

**This estimates 20% of the existing tubing to be reusable and is thus a cost savings on labor and materials.**

**Equipment to be provided for the Hot water boiler replacement:**

**(1)GV90+ 5 140M 91.4% NAT HI-EFF CAST IRON BLR)**

**(1) 383-500-631 CONDENSATE NEUTRALIZER KIT**

**(1) Temperature & Relief Valve**

**New Venting**

**Scope of Work for Radiant Tube Heaters:**

1. All onsite Labor is quoted at NYS Prevailing Wage. Erie County Rate.
2. Lockout/ Tagout Existing Radiant Heating.
3. Replace all (8) Burner Boxes.
4. Provide manlift rental.
5. Remove & replace all failed tubing as required.
6. Remove Existing Exhaust Fans.
7. Install New Exhaust fans in locations near exterior walls to vent out building sides.
8. Provide venting for intakes and exhaust to go through building sides instead of the roof.
9. Provide wiring, thermostats, and an updated controller.
10. Perform System Start-up.
11. Perform Above work between 7am and 4pm.

**Scope of Work for Hot Water Boiler Replacement:**

1. All onsite Labor is quoted at NYS Prevailing Wage. Erie County Rate.
2. Lockout/ Tagout Existing Radiant Heating.
3. Remove existing 85% efficient boiler.
4. Install new 91% efficient boiler.
5. Provide new piping, venting, and drain for new configuration.
6. Provide system start-up.
7. Perform work between 7am-4pm.

**Project Price.....\$70,890.00 (no tax)**

**Exclusions**

1. **Overtime Labor.**
2. **Permits.**
3. **Roofing Patching or Removal.**

Please let me know if you have any questions.  
Sincerely,

Evan Smith  
Project Sales Engineer



Date: February 7<sup>th</sup>, 2022

Town of Hamburg Highway Department  
2720 Lake View Rd.  
Lake View, NY 14085

RE: New Unit heaters for Highway Department.

We propose the installation and replacement of the existing overhead radiant tube heaters. Installation consists of removal and disposal of existing units and controls. Installation of the new units in the same orientation as the old. Eight new head units and four exhaust pumps. New tubes and reflector panels. Five new programmable thermostats and four zone control boards. We are reusing the hangers and support chain. The use of our scissor lift is provided. We will use existing venting through roof and side walls. The gas line will be adapted a checked for leaks. A flexible appliance connector will be used to adapt to unit. The existing electrical will be adapted, checked, and grounded properly. A full system start-up and testing will be done by a qualified McAllister Technician. We are not reconnecting the building management system.

#### Equipment:

Eight (8) Vantage Roberts Gordon CTHN-175, 175,000btu's, standard efficiency  
Three (3) Roberts Gordon EP-100 Exhaust pumps  
One (1) Roberts Gordon EP-200 Exhaust pump  
Four (4) Roberts Gordon Zone Control Boards  
Five (5) Honeywell programmable T4-Pro thermostats  
Up to 510 feet of 4" radiant tubing and reflectors.

#### Warranty:

One (1) year McAllister limited labor warranty  
Three (3) year limited parts warranty

**WE HEREBY PROPOSE TO FURNISH MATERIALS AND LABOR, COMPLETE IN ACCORDANCE WITH SPECIFICATIONS ABOVE, FOR THE SUM OF:**

**\$69,998.00 Prevailing Wage**

**ACCEPTANCE OF PROPOSAL:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be cash or check upon completion. Proposal good for 30 days from date of origination. Payment due Net Ten (10) days from date of completion. Wages are set to prevailing wage, no overtime allotted for completion. Installation may take up to eight days to complete. *No other promotional offers accepted*

Sincerely,

Town of Hamburg Highway Dept.



Ryan Payne  
HVAC Sales

Signature: \_\_\_\_\_

DATE: \_\_\_\_\_

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3080 Amsdell Road, Hamburg NY 14075 • 716.649.6377 • 716.649.9769  
"If air or water flows through it, WE DO IT!"



Date: February 7<sup>th</sup>, 2022

Town of Hamburg Highway Department  
2720 Lake View Rd.  
Lake View, NY 14085

RE: Replacement of the boiler for the heat in parts room, bathroom, and office.

We propose the installation and replacement of the existing boiler system. Installation consists of removal and disposal of the existing boiler. Installing new Navien wall mount boiler. Proper piping and connection to the system zones. Adding the required external Low Water Cut Off control and Manual Reset High Limit Control for commercial setting. Replacing the venting that is leaking through the drop ceiling. New fill valve and expansion tank. Adapting the gas line and electrical. Checking and making sure the system is properly grounded. Filling and purging air from system. A full system start-up and testing will be done by a qualified McAllister Technician.

**Equipment:**

One (1) Navien NHB-150, 150,000btu's, 95% efficient  
One (1) 120v LWCO, Low Water Cut Off control  
One (1) 120v High Limit Manual Reset control  
One (1) Honeywell T4-Pro programmable thermostat for office room.

**Warranty:**

One (1) year McAllister limited labor warranty  
Three (3) year limited parts warranty  
Ten (10) year limited heat exchanger warranty

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3080 Amsdell Road, Hamburg NY 14075 • 716.649.6377 • 716.649.9769  
"If air or water flows through it, WE DO IT!"

**WE HEREBY PROPOSE TO FURNISH MATERIALS AND LABOR, COMPLETE IN ACCORDANCE WITH SPECIFICATIONS ABOVE, FOR THE SUM OF:**

**\$11,899.00 Prevailing Wage**

**ACCEPTANCE OF PROPOSAL:** The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be cash or check upon completion. Proposal good for 30 days from date of origination. Payment due Net Ten (10) days from date of completion. Wages are set to prevailing wage, no overtime allotted for completion. Installation may take up to two days to complete. *No other promotional offers accepted*

Sincerely,

Town of Hamburg Highway Dept.



Ryan Payne  
HVAC Sales

Signature: \_\_\_\_\_

DATE: \_\_\_\_\_

---

**3080 Amsdell Road, Hamburg NY 14075 • 716.649.6377 • 716.649.9769**  
**"If air or water flows through it, WE DO IT!"**



Lakeview Heating and Cooling

Town of Hamburg Highway Department  
Highway Department  
2720 Lakeview Rd, Building B  
Lake View, NY 14085

✉ EHughes@TownofHamburgNY.com

ESTIMATE	#851-1
ESTIMATE DATE	Jan 19, 2023
TOTAL	\$59,650.00

CONTACT US  
P.O. Box 4  
Lakeview, NY 14085

☎ (716) 627-2757  
✉ lakeviewhvac@aol.com

ESTIMATE

Services	qty	unit price	amount
Heatstar Infrared Radiant Tube Heater Main Garage 125k btu Model# ERXL125-50 S#	4.0	\$5,475.00	\$21,900.00
Heatstar Infrared Radiant Tube Heater Truck Lift Area 125k btu 40' Model# ERXL125-40 S#	2.0	\$5,075.00	\$10,150.00
Heatstar Infrared Radiant Tube Heater Truck Lift Area 150k 60' Model# ERXL150-60 S#	2.0	\$5,150.00	\$10,300.00
Misc. materials Removal of all existing units	1.0	\$4,800.00	\$4,800.00
Services - Performed			
Removal of all existing units Replace with heat star radiant tube heaters Reconnect to existing gas, electrical and vents Install All new honeywell t4 thermostats			



Heatstar warranty

1 year Labor

10 year limited parts

Refer to

www.heatstarbyenerco.com/warranty-policy-heatstar

59

Viessmann Boiler

1.0

\$12,500.00

\$12,500.00

Model B1HE-150

Serial

Boiler Replacement

Remove and replace existing boiler

Reconnect to existing electric, gas and intake vent, install new cpvc exhaust piping

Reconnect to existing boiler pipng

Install hardwired low water cut off and high limit

Install new fill valve, expansion tank

Honeywell zone valve, purge valve and air scoop. Install new programmable thermostat

Viessmann Warranty

Lifetime heat exchanger warranty

2 year warranty parts warranty

1 year labor

Services subtotal: \$59,650.00

Subtotal

\$59,650.00

Total

\$59,650.00

Thank you for choosing Lakeview Heating and Cooling. Payment is due upon services rendered. Estimates are calculated on a cash or check price. Have a Great Day!

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**23. Electrical Inspection Services**

WHEREAS, the Town of Hamburg provides electrical inspection services in-house; and

WHEREAS, on limited occasions, circumstances such as Town employee time off results in a lack of available in-house inspectors; and

WHEREAS, timely electrical inspection services are necessary for the progression of public and private projects in the Town.

THEREFORE, BE IT RESOLVED, the Town Board of the Town of Hamburg authorizes the Building Department to create a list of approved certified 3<sup>rd</sup> party electrical inspectors to provide to residents on an as-needed basis when an in-house inspector is not available; and

BE IT FURTHER RESOLVED, that the cost of the inspection will be the responsibility of the permit holder.

MOVED: R. HOAK

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**24. 2023 Wendel Contract**

**WHEREAS**, the Town of Hamburg is scheduled to enter into a Municipal Agreement with Wendel, WD, PC (Drew Reilly) for Town Planning Services for the calendar year 2023;

**NOW, THEREFORE, BE IT RESOLVED**, that upon review of the proposed Contract negotiated between Wendel and the Town of Hamburg, the Town Board accepts the terms of said contract and authorizes its Supervisor to execute same immediately after the adoption of this resolution.

**MOVED: R. HOAK**

**ATTACHMENTS:**

Description	Upload Date	Type
Wendel Agreement 2023	1/19/2023	Cover Memo

## **TOWN/MUNICIPAL AGREEMENT**

THIS AGREEMENT made this 1<sup>st</sup> day of January 2023 by and between the Town of Hamburg, a municipal corporation hereinafter referred to as the Town or OWNER, and Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C., hereinafter referred to as the Planner or WENDEL.

### **W I T N E S S E T H**

WHEREAS, the Town desires to have annual planning services performed for it to meet its day to day requirements and

WHEREAS, WENDEL has offered to perform the services hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Town and Planner do hereby agree as follows:

1. During the term of this Agreement, the Planner agrees to furnish the following planning services for the Town:
  - a. Be represented by the designated qualified person at one to two Planning Board meetings per month (for 11 months) and six Town Board meetings as requested (assumed 24 total meetings for budgeting purposes). This includes preparation for these Planning Board meetings (review of plans and preparation of memos) and preparation of a Town Board report. If requested to attend more than six Town Board meetings in a year, Wendel, in accordance with section 3 of this contract, will notify the Town and receive authorization of the Town Supervisor prior to performing these extra services.
  - b. WENDEL will provide representation at the Town Hall (2 extra hours) on days we attend Planning Board and Town Board meetings. The general duties to be performed during this time shall be as follows (this work will be coordinated with the Town's Planning Administrator or secretary):
    - 1.) Assistance to the Management of the Planning Department Activities.
    - 2.) Assistance with the Management of Development Applications.
    - 3.) Meetings with Public and Development Applicants, when needed.
    - 4.) Consultation / Meetings with Departments, Committees and Town Board Members (meetings to take place on the days WENDEL representatives are at the Town Planning Department).
  - c. Receive questions from the Town, its departments, boards, commissions, agents, and employees, relative to general municipal planning services which require response at times other than scheduled representation at the Town Hall (Telephone calls, text messages, and emails). This service provides access to the other professionals at

Wendel. Any assignments from these calls, outside of our Retained services work, will be considered extra services and require authorizations.

- d. Provide the Town with recommendations and examples for organizing Town procedures and record keeping. Review Town regulations during the year and make recommendations for improvements.
  - e. Provide consultation for SEQR proceedings for Unlisted and Type 1 actions not requiring an Environmental Impact Statement, as defined by said proceedings. (The Town's Planning Administrator, will provide the mailings for coordinated reviews).
  - f. Attend information meetings of Federal, State and County agencies designated by the Planner and alert the Town to events and/or decisions that may affect the Town.
  - g. As of 11/1/22, the Town has not finalized how they will replace the services of their Planning Department Administrator. Depending on how and when this occurs, Wendel anticipates additional services for either transitioning a new person or performing some of the work that is currently done by the Administrator. This work would include additional time at the Town Hall, completing services such as coordinated reviews, County referrals, taking calls from applicants and the public, helping with agendas, etc. Wendel will work with the Town to determine how best we can assist during this transition time and through 2023. These additional services would be paid for in accordance with section 3 below.
2. The Town agrees to pay the Planner for services listed as items "a-f" at a rate of \$66,000.00 per annum, payable in monthly installments of \$5,500.00, first payment to commence at the end of the first month of service and upon submission of an appropriate voucher, therefore, WENDEL services will begin on January 1, 2023. Billings for the 12 months will be equal monthly installments of \$5,500.00 bringing the total billing to **\$66,000.00 for the year.**

For item "g" above, Wendel will work with the Town Board to best meet the needs of the Town and to establish a budget for the work that the Town and Wendel agree to. For budgeting purposes, the Town should budget \$15,000.00 to \$25,000.00 for this work. Actual costs to be negotiated per section 3 below.

3. The following services (i - vi) are not included in this contract fee amount and Wendel shall obtain prior authorization of the Town Supervisor or Town Board prior to performing any of these services. Fees for these services will be determined at that time, when the specific scope can be identified, and a proposal (with a cost estimate) is accepted by the Town Board. Billing for these "extra services" shall be in the format of date, type of services performed, individual performing the work, amount of time spent/date, and the fee amount. Work performed by Mr. Reilly for these "extra services" will be billed at the negotiated rate of \$235 per hour.
- i. Provide consultation for SEQR proceedings for actions requiring an EIS, as defined by said proceeding. Costs for EIS consultation may be charged to the applicant per the SEQR Law. For reimbursement the Town should seek the assistance of their Town Attorney. Regardless of reimbursement, the costs

- incurred by WENDEL (authorized by the Town) will be paid to WENDEL with or without reimbursement by the applicant.
- ii. Preparation of aid/grant applications or supplements to applications prepared by others.
  - iii. Additional meetings (wherein, attendance by Wendel is required by the Town Supervisor). In this regard professional services shall be billed on an hourly basis.
  - iv. Representation at legal proceedings and assistance to Town Legal Representatives.
  - v. Law, Code and Ordinance updates (Code Review Committee Services). The Town has budgeted \$8,000.00 for this activity. If Wendel receives large Code assignments that would exceed this budgeted amount, the Town (Supervisor's office) would need to specifically authorize that work and will fall under extra services. This work may also include implementation actions of the new Comprehensive Plan and it is our understanding that the Town has created a separate account for this work.
4. This Agreement shall become effective as of the 1st day of January 2023 and terminate the 31st day of December 2023. Either party can terminate this Agreement upon 30 days written notice to the other.
  5. It is understood and agreed that all records, data and maps shall become the property of the Town but that the Planner may keep such records at his place of business to facilitate the performance of the services to be rendered hereunder. The Planner shall deliver such records to the Town as it may request and upon payment of current amounts due under this Agreement.
  6. This Agreement is subject to the attached Professional Services Terms and Conditions as listed on "Attachment A" enclosed and made part of this Agreement. In the event of any conflict between the terms and conditions in the Agreement and "Attachment A", the Professional Services Terms and Conditions in the Agreement will control.
  7. This Contract does not anticipate any design services. If such are needed, a separate Contract will be drafted.
  8. The Planner, and its individual representatives, acting in good faith in the discharge of his or her duties, shall not thereby render himself for herself or the firm liable and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of his or her duties. Any suit brought against WENDEL because of the acts or omissions performed by him or her in the enforcement of any provisions of the codes, laws, standards, statutes, and/or regulations shall be defended by the TOWN until final termination of the proceedings. WENDEL shall be entitled to all defenses and municipal immunities that are, or would be, available to the TOWN if the same services were provided by the TOWN employees.

9. Hold Harmless: Indemnity: If a claim is made against WENDEL or WENDEL’s representative that he or she failed to or improperly enforced any code, law, regulation, standard or statute of the Town of Hamburg or any other government entity, the Town of Hamburg agrees to and will defend and indemnify WENDEL or its representatives against such claim or action.

In such action or claim, the parties agree that WENDEL shall be entitled to assert any defense or immunity available to the TOWN.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed the day and year first above written.

By: \_\_\_\_\_

Town of Hamburg  
Supervisor Randall Hoak

Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C.

By: \_\_\_\_\_

Jesse F. Wendell, PE, LEED AP  
Principal

\_\_\_\_\_

Andrew C. Reilly, AICP  
Principal-In-Charge

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**25. Roundtree Playground Request - final**

Whereas the Town of Hamburg (TOH) is dedicated to enhancing a number of our neighborhood parks on an annual basis and

Whereas the TOH would like to purchase 1 design to replace damaged equipment at Roundtree park in 2023 in the amount of \$74,565.50 and

Now therefore be it resolved, the Town Board authorize the Director of Finance and Administration to issue transfer funds in the amount of \$74,565.50 (includes freight) from SB0009090 to A.7140.0303 for the equipment and install of the aforementioned equipment.

Moved: Connolly



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**26. Woodlawn Volunteer Fire Co. - EMS/Ambulance Fees**

**TOWN OF HAMBURG**  
**RESOLUTIONS AUTHORIZING FEES AND CHARGES**  
**FOR EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICE**  
**WOODLAWN VOLUNTEER FIRE COMPANY**

WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an, emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

WHEREAS, the Town of Hamburg ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Woodlawn Volunteer Fire Company, Inc. ("Woodlawn VFC") to provide emergency medical services including basic life support ("BLS") and advanced life support ("ALS") ambulance services (hereinafter collectively referred to as "ambulance services") within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

WHEREAS, the Board of the Town of Hamburg ("Board") after due deliberation, finds it in the best interest of the Town of Hamburg to authorize fees and charges for emergency medical services and ambulance services Woodlawn VFC as authorized by Law and these Resolutions;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg hereby authorizes fees and charges for emergency medical services and ambulance services by Woodlawn VFC as authorized by Law and as provided for by these Resolutions; and it is further

RESOLVED, that the fees and charges collected shall be collected and used by Woodlawn VFC as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and Woodlawn VFC for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

RESOLVED, that the Board hereby directs that Woodlawn VFC shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Woodlawn VFC for such purposes and under such terms and conditions as the Woodlawn VFC may in its discretion find appropriate; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery by the Woodlawn VFC for its emergency medical and ambulance services shall utilize the rate

**SCHEDULE 'A'****2022-23 Town of Hamburg Schedule of Fees and Charges**

<b>BLS Transport</b>	Basic Life Support Basic EMT level provided	<b>\$1100</b>
<b>ALS 1 Transport</b>	Advance Life Support Treatment above basic EMT level	<b>\$1400</b>
<b>ALS 2 Transport</b>	3 or more drugs administered, or one of 7 procedures done to patients*	<b>\$1700</b>
<b>BLS Intercept</b>	BLS – level on board another agency's transporting ambulance	<b>\$700</b>
<b>ALS Intercept</b>	ALS – level on board another agency's transporting ambulance	<b>\$750</b>
<b>Treat and Release</b>	BLS – level treatment or assessment to a patient who refuses transport	<b>\$500</b>
<b>Mileage</b>	Loaded Mileage	<b>\$35 per mile</b>

\*The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway

Moved: R. Hoak

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**27. Woodlawn Storm water Pump Station Emergency repairs**

**WHEREAS**, the Town of Hamburg (Town) owns and is responsible for maintenance and capital improvements for a section of storm sewer & pump station located on First Street; and

**WHEREAS**, the condition of the storm sewer pump station pumps, check valves and associated discharge piping has deteriorated to the point that it must be replaced; and is creating a public safety emergency that will cause imminent and immediate major property damage, and

**WHEREAS**, the Town Highway Superintendent and Superintendent of Public Works solicited an estimate for emergency repairs; and

**WHEREAS**, Kandey Company, Inc. has submitted a scope of services to address the aforementioned issues with an immediate response time of approximately \$269,649.00.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg awards the Emergency repairs to the Woodlawn storm sewer pump station project to Kandey Company, Inc. in the amount not to exceed \$269,649.00; and

**NOW THEREFORE BE IT RESOLVED**, that the Town of Hamburg awards the Emergency pipe inspection for the Woodlawn storm sewer outfall project to ASI Marine Company, Inc. 40 Center Drive, Suite 300, Orchard Park NY 14127 in the amount not to exceed \$25,000.00 for underwater CCTV inspection; and

**BE IT FURTHER RESOLVED**, that additional repairs may be needed as a result of the inspection the Town Board approve the funding for this project from Account A.4089 - Federal Aid Other to A.1490.303.403 – Public Works-Permanent Improvements-ARPA In the amount not to exceed \$500,000.00.

Moved: R. Hoak

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**28. Mt Vernon Sanitary Sewer CCTV inspection**

WHEREAS, the Town of Hamburg has been under an Order on Consent by the New York State Department of Environmental Conservation (NYSDEC) since 2001 for Sanitary Sewer Overflows (SSO) from the Mt Vernon Sewer District; and

WHEREAS, the Town authorized GHD Consulting Services, Inc to perform a sanitary sewer study and submit a final report to the NYSDEC; and

WHEREAS, the report, accepted by the NYSDEC, outlines the long-term needs, requirements, and schedule for abatement of SSOs in Mt Vernon; and

WHEREAS, the Town of Hamburg is working to resolve the SSO events in the Mt. Vernon Sanitary Sewer District; and

WHEREAS, the Town of Hamburg Engineering Department has requested pricing for CCTV of the entire system from United Survey Inc, from the current Erie County Maintenance Contract for Cleaning and televising existing Sewer 8"-12" approximately 56,079 linear feet, and cleaning and televising Existing Sewers over 12" -21" approximately 4,698 linear feet; and

THEREFORE BE IT RESOLVED, the Town Board authorizes transfer of funds from A.4089 - Federal Aid Other to A.1490.303.403 – Public Works-Permanent Improvements-ARPA

THEREFORE BE IT FURTHER RESOLVED, the Town Board authorize the supervisor to sign the Proposal 22-222 from United Survey, Inc, awarding Items 100 & 200 in the amount of \$203,397.75.

Moved: R. Hoak

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**29. Credit Card Policy**

**Be it resolved,** that the Hamburg Town Board approves the Town of Hamburg Credit Card Policy as written and attached.

Moved: R. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
Town of Hamburg Credit Card Policy	1/19/2023	Exhibit

## ***CREDIT CARD POLICY FOR THE TOWN OF HAMBURG***

**Purpose:** Credit Cards are issued to individual employees at the request and approval of Department Heads to be used as a means of ***providing an efficient and convenient method of purchasing and paying for goods and services.***

This program grants the authority for these commitments to those staff members who have been authorized to utilize a credit card. With this granting of authority, a card user will also assume complete accountability for the proper use of the card, as detailed in this policy and procedure.

**Policy:** Credit cards may only be used for the purchase of those supplies and services that are directly related to the support and execution of the responsibilities of the User and their Department. Improper use of a credit card will result in a revocation of card privileges and possible disciplinary action including termination.

The following transactions are **specifically identified as those that should not** be made with a Credit Card:

- Cash Advances
- Gifts/Gift Cards
- Staff Lunches
- Staff Parties
- Items for Personal Use
- Alcoholic Beverages
- Items Available from Internal Departments

### **Program Administration:**

The Assistant Accountant has been designated as the Credit Card "Program Administrator".

The Assistant Accountant will provide for the use of credit cards by department heads and appropriate designees based on the demonstration of need.

### **Procedure:**

#### **I. Issuance and Authorization**

A. No individual will be issued a credit card solely for his or her personal use. All cards are issued at the discretion of the Department Head or Supervisor. These approvals are subject to final review and approval of the Finance Department.

B. If a card is lost, stolen or misplaced, the User is responsible to contact Customer Service immediately. The Finance Dept is also to be notified once this initial communication is completed. The Finance contact is the Assistant Accountant at 649-6111 Ext 2383.

C. Users are required to complete a Usage log to include all transactions and supporting receipts on a monthly basis. These are to be submitted to Finance by the 20<sup>th</sup> of the following month for a Final Review for appropriateness.



**Town of Hamburg**  
**Employee Acknowledgement Letter**

I, \_\_\_\_\_, hereby acknowledge receipt of my Master Card Purchasing Card. I have verified the information contained on the card and attest to its accuracy. I agree to use this purchasing card only for actual and necessary business expenses incurred in accordance with the purchasing card agreement that I signed and returned with my card application.

If the card is lost, stolen or misplaced, I will immediately notify MasterCard by phone at 1-800-316-6056. I also will inform the Town of Hamburg card administrator in the Finance Office of this loss. I understand that failure to notify MasterCard of the theft, loss or misplacement of the card could make me personally responsible for any fraudulent use. I also understand that unauthorized use of this card may result in immediate disciplinary action up to and including termination of my employment.

I agree to surrender the card immediately upon my retirement or termination of employment, or upon the request of any authorized representative of the Town of Hamburg. I understand that use of the card after privileges are withdrawn is prohibited.

\_\_\_\_\_  
Employee Name (Print)

\_\_\_\_\_  
Purchasing Card Number (Program Administrator Completes)

\_\_\_\_\_  
Employee Signature                      Date

\_\_\_\_\_  
Program Administrator Signature                      Date



## Town of Hamburg Purchasing Card User Agreement

You are being entrusted with a Town of Hamburg (the "Town") purchasing card. The card is provided to you based on your needs to purchase materials for the Town. It is not an entitlement nor reflective of title or position. The card may be revoked at any time without your permission. Your signature below indicates that you have read and will comply with the terms of this agreement.

1. I understand that I will be making financial commitments on behalf of the Town of Hamburg and will strive to obtain the best value for the town.
2. The Purchasing Card may be used for authorized business purchases only, as defined in the Procurement Policy for the Town of Hamburg.
3. I have read and will follow the Purchasing Card Policies and Procedures. Failure to do so could be considered as misappropriation of the Town funds. Failure to comply with this agreement may result in either revocation of my use privileges or other corrective action.
4. I understand that under no circumstance will I use the Purchasing Card to make personal purchases, either for myself or others. Using the card for personal charges could be considered misappropriation of the Town funds and could result in corrective action up to and including termination of employment.
5. I agree that should I violate the terms of this Agreement and use the Purchasing Card for personal use or gain that I will reimburse the Town for all incurred charges and any fees related to the collection of those charges.
6. The Purchasing Card is issued in my name. I will not allow any other person to use the card or account number. I am considered responsible for any and all charges against the card.
7. The Purchasing Card is company property. As such, I understand that I may be periodically required to comply with internal control procedures designed to protect the Town of Hamburg assets. This may include being asked to produce the card to validate its existence and account number.
8. If the card is lost or stolen, I will immediately notify the JPM Chase by telephone at 1-800-316-6056 and the Finance Department.
9. I agree to review and verify my Purchasing Card transactions on at least a weekly basis. I will immediately report any unauthorized purchases on my account to JPM chase at 1-800-316-6056. I will notify JPM Chase of any incorrect charges on my account within 60 days of the statement date if I am unable to resolve the charge with the supplier.
10. I agree to surrender the Purchasing Card immediately upon termination of employment, whether for retirement, voluntary, or involuntary reasons.

---

Employee Name (Print)      Purchasing Card Account Number

---

Employee Signature      Date

---

Manager Name (Print)      Manager Signature

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**30. Procurement Policy**

**Be it resolved,** that the Hamburg Town Board approves the Town of Hamburg Procurement Policy as written and attached.

Moved: R. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
Town of Hamburg Procurement Policy	1/19/2023	Cover Memo

## PROCUREMENT POLICY FOR THE TOWN OF HAMBURG

1. Every purchase and/or contract made must be initially reviewed by the appropriate Department Head to determine whether it is a purchase contract (commodity) or a public works contract (service contract). Once that determination is made, a good-faith effort will be made by the appropriate Department Head to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases that the aggregate amount to be spent in a year. Any service contract, including any service contract associated with the purchase of goods or services, must be approved by the Town Board and entered into with the Supervisor's signature.

2 (A). The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under already existing governmental or municipal contracts; and surplus and second-hand purchases from another governmental entity.

2(B). Further, pursuant to General Municipal Law Section 104-b(2)(g), the procurement policy may contain circumstances when, or types of procurements for which the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interest of the Town of Hamburg to solicit quotations or document the basis for not accepting the lowest bid: (a) Professional services or services requiring special or technical skill such as those rendered by attorneys, engineers and accountants; (b) Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits; and (c) Purchases of surplus and second-hand goods from any source.

3. The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any other written documentation that is appropriate and can demonstrate that the purchase is not subject to competitive bidding.

4. The following requirements must be followed based on the type and amount of the Purchase:

**Estimated Amount of Purchase Contract (Commodity) Method**

\$0 — \$2,999	Vendor may be selected by purchaser without competitive quote
\$3,000 — \$19,999	2 Written Quotations or Written Request for Proposal
<b>\$20,000 and over</b>	<b>Written Request for Proposal Required</b>

**Estimated Amount of Public Works Contract (Service) Method**

\$0 — \$2,999	Vendor may be selected without competitive quote
\$3,000 — \$10,000	2 Written Quotations
\$10,001 — \$34,999	3 Written Quotations
<b>\$35,000 and over</b>	<b>Written Request for Proposal Required</b>

5. Documentation is required of each action taken in connection with each procurement. Further, agreements for any purchase contracts, or any public works contracts must be put in writing.

6. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings, “Best Value,” or how the offeror was not responsible or failed to meet all the required specifications of the Request For Proposal.

7. Documentation is required to demonstrate that the offeror's contract had been approved by the New York State Office of General Services, and thus not required to be put out for a Request for Proposal even if the \$20,000 (purchase contract)/\$35,000 (public works contract) thresholds are reached, or, the offeror is already under a contractual relationship with a federal or state agency, or local government agency, which also eliminated the need to put the subject good/service out for a Request for Proposal.

8. Section 3 Business Participation in Procurement and Contracting: For federally funded projects or activities subject to Section 3 of 24 CFR Part 135 of the Housing and Urban Development Act of 1968, as amended, the Town will, to the greatest extent feasible, facilitate participation of Section 3 residents and Section 3 businesses in the procurement of goods and services pursuant to its Section 3 Participation Plan. Solicitation may be undertaken via advertisements in local publications encouraging Section 3 participation, or direct outreach by letter or email to identified Section 3 businesses or individuals included on the Department of Housing and Urban Development's Section 3 Businesses Registry. The Town's established purchase/ contracting thresholds will apply. The Town will keep documentation of Section 3 solicitation in its records and any response(s) thereto.

9. Minority- and Women-Owned Business Enterprise (M/WBE) Business Participation in Procurement and Contracting: In an effort to affirmatively increase procurement and contracting opportunities for minority- and women-owned business enterprises, the Town will make its best efforts, where possible, to solicit MBEs and/or WBEs as part of its procurement process. Solicitation may be undertaken via advertisements in minority publications or direct outreach by letter or email to identified State-certified M/WBEs. The Town's established purchase/contracting thresholds will apply. For purposes of the above, the M/WBE must be certified by Empire State Development (ESD) through the Division of Minority and Women Business Development (DMWBD).

10. This policy shall take effect immediately and will be reviewed and approved annually.

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**31. Camp Road Interchange District**

**Whereas**, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

**Whereas**, the Town of Hamburg, over a three-year process, has completed a new Comprehensive Plan for the Town and begun the adoption of this Plan, and the Town has also completed other studies and reports on land use issues in the Town; and

**Whereas**, zoning must be in accordance with a Comprehensive Plan and the Town wants to continue the process of bringing the Town's zoning Code and Zoning map into conformance with the Town's new 2022 Comprehensive Plan; and

**Whereas**, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 280 (Zoning), by adding a new Article, entitled "CRI- Camp Road Interchange District".

**Now, Therefore, Be It Resolved** , pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Hamburg Town Board to establish itself as SEQR Lead Agency and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning.

**Be It Further Resolved**, that the Hamburg Town Board hereby authorizes the referral of these proposed laws to Erie County and to the Hamburg Planning Board; and

**Be It Finally Resolved**, that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on MM DD, 2023.

Moved: R. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
Camp Road Interchange District FEAF Part 1	1/18/2023	Backup Material

Camp Road Interchange District Law	1/18/2023	Backup Material
Existing Zoning Map	1/18/2023	Backup Material
Aerial Map	1/18/2023	Backup Material

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

### A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:



**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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**C.3. Zoning**

84

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed. <span style="float: right;">85</span>				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span>	
_____	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
_____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):	
_____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
_____	
_____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
_____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
_____	
_____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	
_____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: 86

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <div style="border: 1px solid black; padding: 2px; width: 30px; margin: 0 auto;">88</div>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply):    <input type="checkbox"/> Morning        <input type="checkbox"/> Evening        <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces:    Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes    No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	<p>89</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No  
 If Yes: 90  
*i.* Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
*ii.* Anticipated rate of disposal/processing:  
     • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
     • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
*iii.* If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No  
 If Yes:  
*i.* Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
*ii.* Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
*iii.* Specify amount to be handled or generated \_\_\_\_\_ tons/month  
*iv.* Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
*v.* Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

## E. Site and Setting of Proposed Action

<b>E.1. Land uses on and surrounding the project site</b>			
a. Existing land uses. <i>i.</i> Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <i>ii.</i> If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			



<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>	<p>91</p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities:</p> <p>_____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection:</p> <p>_____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</p> <p>_____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</p> <p>_____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</p> <p>_____</p> <p>_____</p>	

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<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p style="text-align: right;">93</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the <del>NY</del> <sup>NY</sup> Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

## **Article TBD: CRI Camp Road Interchange District**

### **§ 280-xx. Intent.**

The intent of the CRI, Camp Road Interchange District, is to provide an area for larger, upscale regional type commercial operations at this important entranceway into the Town.

This area has access to the NYS Thruway and major highways within the Town that provide transportation routes to and from surrounding communities. Important components of this area are automobile access, aesthetics, landscaping, adaptive reuse, residential buffering, and protection of incompatible uses. Enhancing the overall image of the Town shall be part of the design. See the "Hamburg Gateway Revitalization Design Project" for a sample of development of the lands previously owned by the NYS Thruway Authority.

### **§ 280-xx. Permitted uses and structures.**

Use and structures permitted in the CRI District are as follows:

#### **A. Principal uses and structures:**

- (1) Arts and Cultural facilities.
- (2) Retail sales.
- (3) Eating and drinking establishments (no stand-alone bars).
- (4) Tourism and Recreational and Entertainment facilities (including Indoor and outdoor sport and recreational facilities and gaming)
- (5) Custom shops associated with another allowed principal use.
- (6) Warehouses associated with another allowed principal use, but not including the storage of highly flammable or explosive materials.
- (7) Breweries and wineries
- (8) Theaters
- (9) Healthcare, spas, and wellness centers.
- (10) Private rental storage (mini-storage) is prohibited (see definition). This prohibition also includes full-scale buildings in which interior spaces are being rented for individual storage usage.
- (11) Resort complexes.
- (12) Offices
- (13) A combination of any of the allowed uses in this district, especially in accomplishing a campus type setting.

#### **B. Uses and structures allowed by special use permit**

The following uses by special use permit authorized by the Planning Board (see Article XLVI):

- (1) Nursery schools and day-care centers.
- (2) Multifamily units when associated with other allowed uses in this district (mixed use buildings are encouraged)

C. Accessory uses and structures:

- (1) Accessory uses permitted in the C-1 and C-2 District.
- (2) Accessory uses and structures customarily incidental to permitted principal uses.

**§ 280-xx. Minimum lot size.**

There are no minimum lot size requirements in the CRI District

**§ 280-xx. Maximum height of buildings.**

There is no maximum height limitation of buildings in the CRI District.

**§ 280-xx. Lot coverage.**

There is no minimum or maximum lot coverage requirement in the CRI district. The project must be shown to meet setback, landscaping and aesthetic requirements.

**§ 280-xx. Required yards.**

Unless otherwise provided, the minimum required yards and other open spaces in the CRI District shall be as specified in this section.

A. Lot area. Lot area will be based on the size of the building, parking requirements and landscaping.

B. Lot width at the building line: None.

C. Front yard: 40 feet.

D. Side yards:

- (1) Principal buildings: none required, except that:
  - (a) Where a side yard is provided, it shall be no less than five feet.
  - (b) Where a side yard abuts any R District boundary, it shall be not less than 50 feet or the height of the principal building, whichever is greater.
  - (c) Where a side yard is used for either vehicular ingress or egress, it shall be at least 12 feet.
  - (d) Where a side yard is used for vehicular ingress and egress, it shall not be less than 25 feet.

E. Rear yard:

- (1) Minimum: 10 feet, except where it abuts any residential district boundary, it shall be a minimum of 50 feet or the height of the principal building, whichever is greater.

F. Note that a minimum buffer/setback has been established for lands abutting the existing residential subdivision (lands retained as zoned RA represent the buffer).

**§ 280-xx. Off-street parking.**

For applicable off-street parking regulations, see Article XXXII.

Parking areas should not front Camp Road and any parking lots that can be seen from Camp Road need to be screened.

**§ 280-xx. Signs.**

For applicable sign regulations, see Article XXXVI.

**§ 280-xx. Supplemental regulations.**

A. For applicable supplemental regulations pertaining to use, height, area or open space see Articles XXXVII through XXXIX.

B. Layouts for Multiple buildings should be in a campus like setting.

**§ 280-xx. Landscaping.**

The Planning Board may require and modify landscaping plans for site locations to establish a positive design image.

The following minimum standards shall be met:

- A. Enhanced landscaping for any frontages along Camp Road (focus on trees).
- B. Screening to be provided along any project boundaries abutting residential areas.
- C. Tree lined entranceways shall be required.

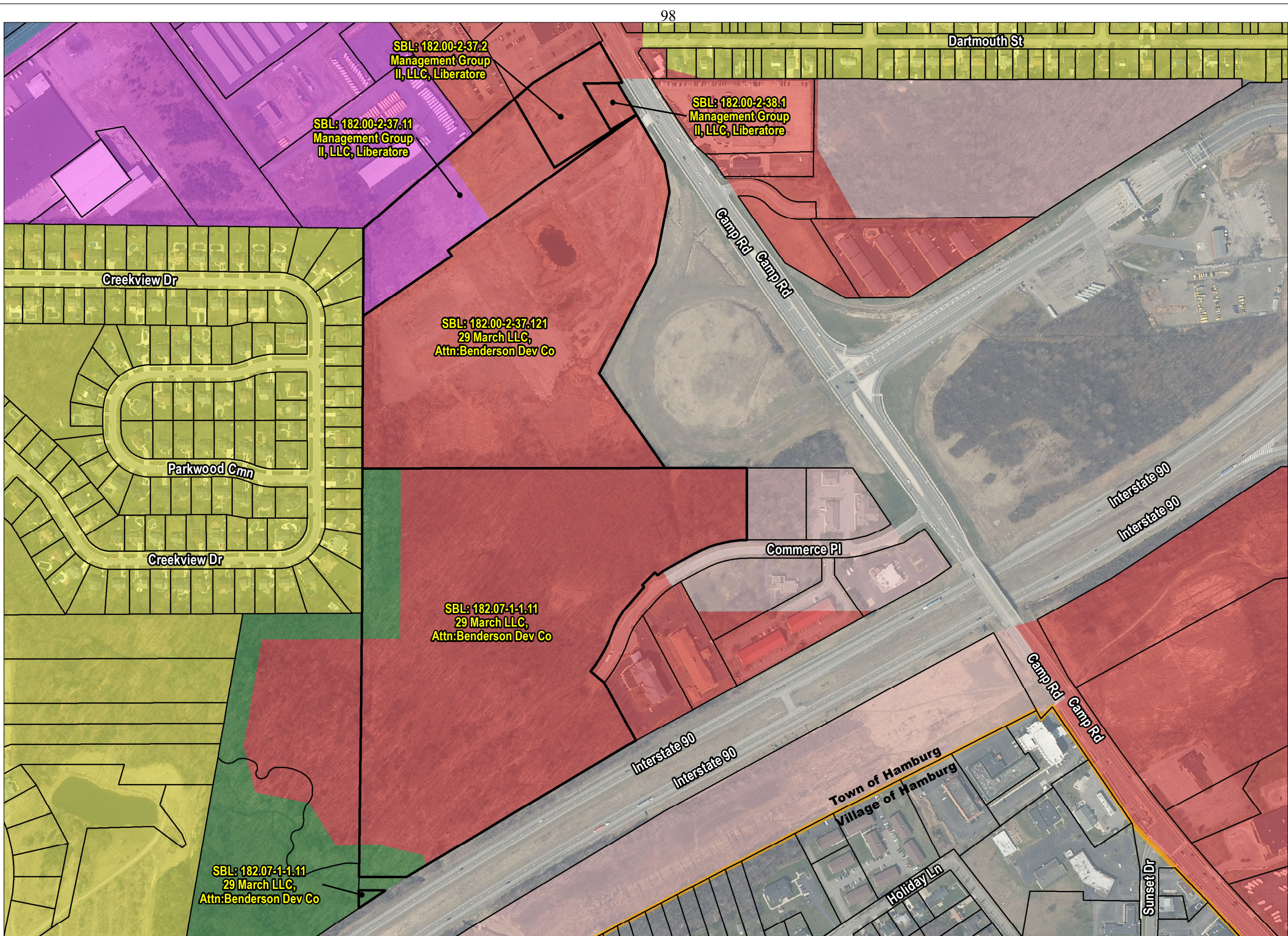
**§ 280-xx. Architectural requirements.**

The applicant shall submit building plans and elevations showing how any proposed structure meets the requirements of this article and any requirements of any applicable zoning overlay. Buildings visible from Camp Road shall have a higher design image, including pitched roofs, higher quality materials, and windows facing Camp Road.

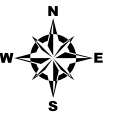
**§ 280-xx. Connectivity.**

- A. A multi-modal trail system should be incorporated into any project proposed in this district.
- B. Internal sidewalks for connection to the trail system and Camp Road.
- C. Overall developments within the CRI district area (including any commercial lands surrounding the properties zoned CRI) shall be connected and present a Campus type setting.





**Camp Road Interchange  
Existing Zoning**  
Town of Hamburg  
ERIE COUNTY, NEW YORK



**LEGEND**

- Municipal Boundary
- Parcels (2022)

**Town of Hamburg  
Existing Zoning**

- C1
- C2
- M2
- PUD
- R2
- RA

0 100 200 400  
Feet

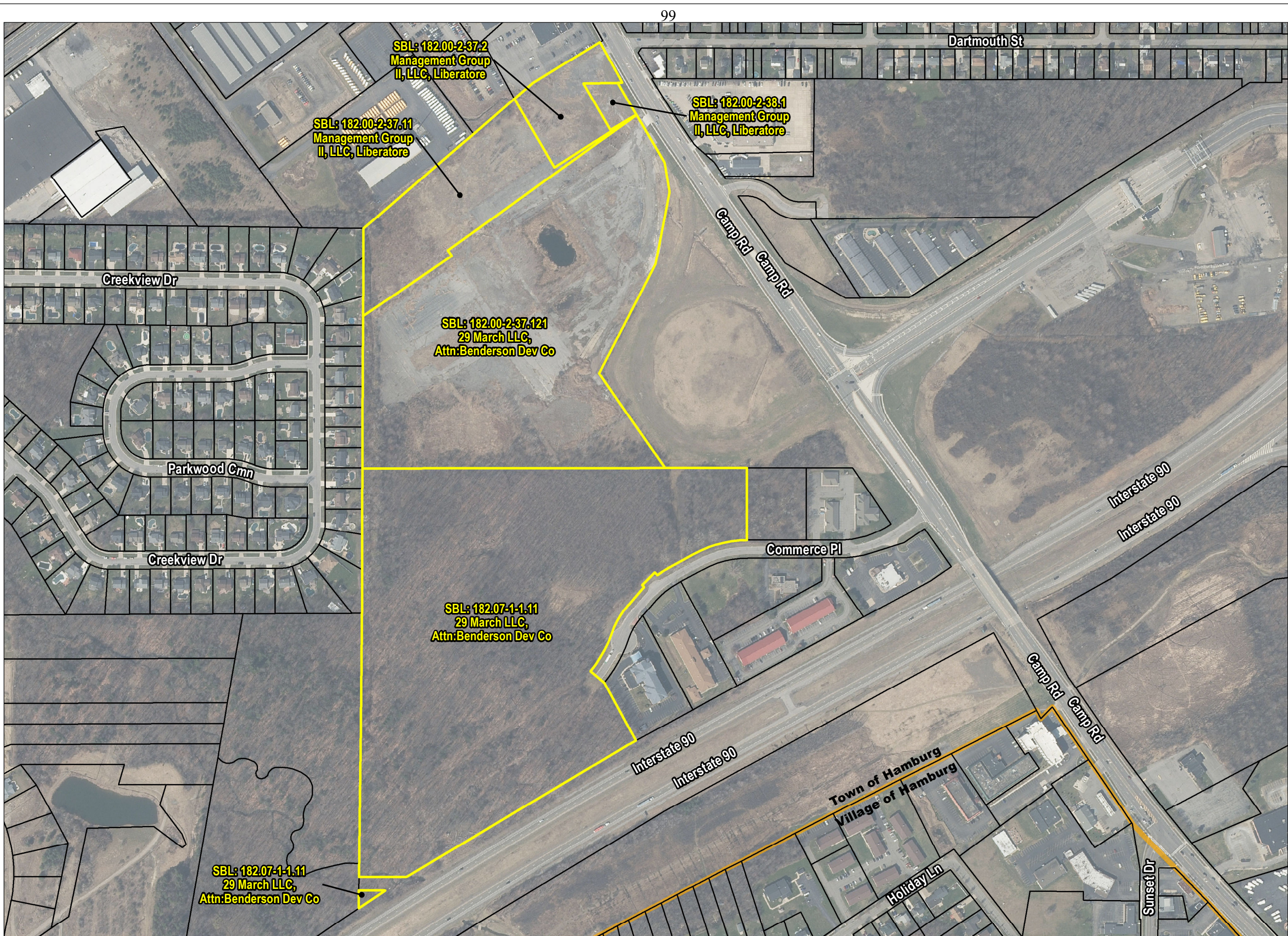
Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or; 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder.  
Data Sources: Erie County GIS, NYS GIS Program Office, NYS Office of Information Technology Services, Orthoimagery Spring 2021



WD Project # 300822CODE  
Map Created: September 2022

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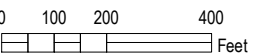
# Camp Road Interchange 2021 Aerial Imagery

Town of Hamburg  
ERIE COUNTY, NEW YORK



**LEGEND**

- Municipal Boundary
- Parcels (2022)



Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. shall assume no liability for 1. Any errors, omissions, or inaccuracies in the information provided regardless of how caused or; 2. Any decision or action taken or not taken by the reader in reliance upon any information or data furnished hereunder.  
Data Sources: Erie County GIS, NYS GIS Program Office, NYS Office of Information Technology Services, Orthoimagery Spring 2021



WD Project # 300822CODE  
Map Created: September 2022



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**32. Negative Declaration - Proposed Local Laws Nos. 12 & 13**

**Resolution No. \_\_\_\_-2023**

**RESOLUTION OF THE TOWN OF HAMBURG TOWN BOARD  
 PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT  
 CONCERNING THE DETERMINATION OF SIGNIFICANCE FOR THE ADOPTION  
 OF LOCAL LAW No. 12 AND LOCAL LAW No. 13 OF 2022**

Action Name: Local Laws No. 12 and 13 of 2022, Adoption by Town Board

Location: Town of Hamburg, NY 14075

SEQRA Status: Type I XX Unlisted \_\_\_\_

Determination  
 of Significance: Negative Declaration XX Positive Declaration \_\_\_\_

WHEREAS, the Town of Hamburg Town Board ("Town Board") is currently evaluating: (1) the adoption of Local Law No. 12 of 2022, a local law to amend Section 280-133A of the Town of Hamburg Town Code ("Town Code") entitled "Principal uses and structures" by removing bituminous processing facilities as a permitted use in M-3 districts; and (2) the adoption of Local Law No. 13 of 2022, a local law to provide for a new Article LVII in Chapter 280 of the Town Code entitled "Bituminous Processing Facilities" prohibiting asphalt plants and bituminous processing facilities in the Town of Hamburg (collectively, the "Project" or "Action"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Town Board must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, on November 21, 2022 the Town Board introduced the Action and classified the Action as a Type I action in accordance with SEQRA; and

WHEREAS, on November 21, 2022 the Town Board determined that it will be the only agency with approval authority over the Action and declared itself to be the Lead Agency for the conduct of the environmental review of the Action under SEQRA; and

WHEREAS, on December 12, 2022, and continued on January 23, 2023, a public hearing was held at the Town of Hamburg Town Hall, located at 6100 South Park Avenue, Hamburg, New York 14075, to garner public input on the Project; and

WHEREAS, to aid the Town Board in determining whether the Action may have a significant adverse impact upon the environment, the Town Board has received or reviewed (1) Part 1 of the Full Environmental Assessment Form ("EAF"), (2) the Town's Draft Comprehensive Plan dated November 2022, (3) NYSDEC's Environmental Resource Mapper, (4) the New York State Cultural Resource Information System, and (5) other relevant environmental information (collectively, 1-5 shall be referred to as the "Environmental Information"); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Action, the Town Board has completed Parts 2 and 3 of the EAF, has reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, the Town Board has duly considered the Action, Parts 1, 2 and 3 of the EAF, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c), the draft Negative Declaration, and such other information deemed appropriate; and

WHEREAS, a thorough analysis of the Environmental Information and potential environmental impacts associated with the Action reveals that the Action will not have any potentially significant adverse environmental impacts; and

WHEREAS, it is appropriate that the Town Board issue a negative declaration pursuant to SEQRA for the Action.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN OF HAMBURG TOWN BOARD AS FOLLOWS:**

**Section 1.** Based upon a thorough review and examination of the Action and Environmental Information, and upon the Town Board's knowledge of the Town and the lands contained therein, and such further investigation of the Action and its environmental effects, as the Town Board has deemed appropriate, the Town Board makes the following findings with respect to the Action:

- (A) The Action is a Type I Action pursuant to SEQRA, as it involves the adoption of changes in the allowable uses within any zoning district affecting 25 or more acres under 617.4(b)(2) of the SEQRA regulations;
- (B) The Town Board, as Lead Agency, and as the only agency with approval authority over the Action, has undertaken a single agency review of the Action in accordance with the requirements of SEQRA; and

- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to the Town Board.

**Section 2.** Based upon the Town Board's review of the Environmental Information and investigations of the potential environmental impacts associated with the Action, considering both the magnitude and importance of each potential environmental impact indicated, and upon the Town Board's knowledge of the lands within the Town and surrounding area and such further investigations of the Action and its environmental effects as the Town Board has deemed appropriate, the Town Board has determined that the Action will not have a significant adverse impact upon the environment. The reasons supporting this determination are as follows:

1. Impact on Land. The Action does not involve any physical changes to lands in the Town because the Action involves only the prohibition of asphalt plants and bituminous processing facilities in the Town. No physical alterations of the land will occur as a result of the Action. Accordingly, there are no significant adverse impacts to the land.
2. Impact on Geological Features. The Action will not result in the physical modification or destruction of any land forms, unique geologic features or National Natural Landmarks in the Town. Accordingly, there are no significant adverse impacts to geological features.
3. Impact on Surface Water. The Action will not create a new water body and will not result in an alteration, increase or decrease in size or encroachment into any existing wetland, waterbody, shoreline beach or adjacent area and will not create a new demand for water, generate liquid wastes, or require the use of wastewater treatment facilities. The Action does not involve any type of physical alteration to lands in the Town or any activities which would typically pose a risk to surface waters. Accordingly, there are no significant adverse impacts to surface water.

4. Impact on Groundwater. The Action will not generate any new demand for water or otherwise generate wastewater or introduce contaminants to ground water. The Action does not involve any type of physical alteration to the lands in the Town or any activities which would typically pose a risk to groundwater. Prohibiting asphalt plants and bituminous processing facilities, that typically process and store petroleum products, and could cause the discharge of wastewater and other by-products from facility operations to downstream waterbodies if not properly managed, will serve to protect potential adverse impacts to groundwater from asphalt plants within the Town. Accordingly, there are no significant adverse impacts to groundwater.

5. Impact on Flooding. The Action does not involve development of lands which are located in a designated floodway and does not include the impoundment of water. The Action does not involve any type of physical alteration of lands in the Town or any activities which would typically exacerbate conditions with respect to flooding. Accordingly, there are no significant adverse impacts to flooding.

6. Impact on Air. The Proposed Action will not result in any development or physical alteration of lands in the Town and does not entail the types of activities or operations that require the Town Board to acquire air registration permits or that are associated with a significant potential for air emissions. Prohibiting asphalt plants and bituminous processing facilities, that typically emit hazardous air pollutants including carbon monoxide, nitrous oxide, particulate matter, sulfur dioxide, and volatile organic compounds, will serve to prevent emissions of hazardous air pollutants from asphalt plants within the Town. Accordingly, there are no significant adverse impacts to air resources.

7. Impact on Plants and Animals. The Action does not result in any development or physical alteration of lands within the Town. Accordingly, there are no significant adverse impacts to plants or animals.

8. Impact on Agricultural Resources. The Action will not result in any development, physical alteration of lands, or conversion of any farmland. Accordingly, there are no potentially significant adverse impacts to agricultural resources.

9. Impact on Aesthetic Resources. Asphalt plants and bituminous processing facilities typically require the use of large structures for processing and storing asphalt material, and the siting of equipment used in manufacturing, for which screening and other camouflage methods must be utilized to mitigate impacts to aesthetic resources. Additionally, these facilities often generate



plumes that can be visible from surrounding areas. Thus, prohibiting asphalt plants and bituminous processing facilities in the Town would serve to protect and improve aesthetic resources in the Town. Accordingly, there are no significant adverse impacts to aesthetic resources.

10. Impact on Historic and Archeological Resources. The Action does not involve any development or physical alteration of lands within the Town. Accordingly, there are no significant adverse impacts to historic and archeological resources.

11. Impact on Open Space and Recreation. The Action does not involve any development or physical alteration of lands within the Town or otherwise limit existing open space and recreation in the Town. Accordingly, there are no significant adverse impacts to open space or recreational resources.

12. Critical Environmental Areas. The Action does not involve any type of physical alteration of lands within the Town or any activities which would pose a risk to Critical Environmental Areas. Accordingly, there are no significant adverse impacts to Critical Environmental Areas.

13. Impact on Transportation. Asphalt plants and bituminous processing facilities typically involve asphalt trucks, material delivery trucks and employee vehicles, that could impact existing parking or traffic levels, as well as pedestrian and bicycle traffic, within the Town. Thus, prohibiting asphalt plants and bituminous processing facilities would serve to improve transportation in the Town. Accordingly, there are no significant adverse impacts to transportation.

14. Impact on Energy. The Action will not result in an increase in the use of energy or modify energy use in the Town as it does not result in any development or physical alteration of lands within the Town. Accordingly, there are no significant adverse impacts to energy resources.

15. Impact on Noise, Odor and Light. The Action will not result in any increase in noise, odors, or outdoor lighting as it does not result in any development or physical alteration of lands within the Town. Further, asphalt plants and bituminous processing facilities can create odors which can travel to neighboring properties. Thus, prohibiting asphalt plants and bituminous processing facilities would prevent these odors from occurring within the Town. Accordingly, there are no significant adverse impacts to noise, odor or light.

16. Impact on Human Health. The Action will not require or result in the types of activities or operations that are associated with a significant potential for affecting public health, as it does not involve any development or physical

alteration of lands within the Town. Banning plants and bituminous processing facilities will protect human health from exposure to new sources of contamination. Accordingly, there are no significant adverse impact to public health.

17. Impact on Community Plans / Community Character. The Town has been actively working on updating its Comprehensive Plan, which updates include evaluating potential Zoning Code and Zoning Map amendments throughout the Town for areas that the Town views as improperly zoned in light of changes in the Town and region since the adoption of the last Comprehensive Plan. The Town's Draft Comprehensive Plan dated November 2022 ("Draft Comprehensive Plan") is currently before the Town Board for adoption. The Draft Comprehensive Plan recommends, among other things, eliminating outdated industrial uses and zoning districts that do not represent the vision of the Town. The Draft Comprehensive Plan notes that the Town will need to adapt to changes in the Town and the region as a whole to ensure that the vital economy of the Town supports the community's goals, the citizen's needs, and the economic needs of the business community, while remaining consistent with the Town's vision for the future. The Draft Comprehensive Plan recommends, among other things, eliminating uses in the Code that no longer fit within the Town, for example, lumberyards and coal yards, cement mixing plants, storage or petroleum products as a primary use, and the processing of bituminous products. The Action will prohibit the siting and operation of asphalt plants and bituminous processing facilities, consistent with the Draft Comprehensive Plan, and is specifically intended to protect and enhance the Town's physical and visual environment, the Town's character, the Town's economic needs, and the health, safety, and general welfare of persons and property within the Town.

The Action will impact an existing application from A.L. Asphalt Corporation for the construction and operation of an asphalt plant in an M-3 Zoning District, which may result in this, and potentially other properties, being derelict and/or underutilized. However, some of these lots are currently underutilized, and a few vacant lots in relation to all of the Town is not significant. Additionally, the Action also allows for future development of these and other lots in a manner that is consistent with the Town's Draft Comprehensive Plan, and protects the health, safety and general welfare of people and property within the Town. Accordingly, there are no significant adverse impacts to the character of the community or community plans.

**Section 4.** The Town Board hereby adopts, accepts and approves Part 2 and Part 3 of the EAF, as set forth on Exhibit A attached hereto.

**Section 5.** Since the Action will not have a significant adverse impact on the environment, a negative declaration (“**Negative Declaration**”) pursuant to SEQRA is hereby issued. This Negative Declaration has been prepared pursuant to and in accordance with the requirements of SEQRA.

**Section 6.** This Resolution, which is adopted by a majority vote of the Town Board, shall serve as the Negative Declaration (as defined in 6 N.Y.C.R.R. 617.2(y)) for the Action, and is issued by the Town Board pursuant to and in accordance with SEQRA, shall take effect immediately.

**Section 7.** The officers, employees and agents of the Town are hereby authorized and directed for and in the name and on behalf of the Town Board to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Town Board with all of the terms, covenants and provisions of the documents executed for and on behalf of the Town Board.

**Section 8.** For further information on this Determination of Significance/Negative Declaration contact:

Moved: R. Hoak

#### **ATTACHMENTS:**

Description	Upload Date	Type
FEAF	1/19/2023	Cover Memo
FEAF	1/19/2023	Cover Memo
Refer	1/19/2023	Cover Memo



**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project :

Date :

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**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

**2. Impact on Geological Features**

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The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☐ NO☐ YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☐ YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/> 109
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/> 110
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If “Yes”, answer questions a - f. If “No”, move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in “a” through “c”, above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If “Yes”, answer questions a - j. If “No”, move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/> 111
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>		<input type="checkbox"/> NO <input type="checkbox"/> YES		112
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>	
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>	
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>	
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>		<input type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/> 113
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

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The proposed action may result in a change to existing transportation systems.

☐ NO☐ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO☐ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☐ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>



d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/> 115
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

☐ NO☐ YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO☐ YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to  
Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.  
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE <sup>119</sup>

Case No.: 22-22-723

Received: 12/9/22

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

**Description of Proposed Action**

*Logos in Code; changes: 1/4/23*

**1. Name of Municipality:** Town of Hamburg Town Board

**2. Hearing Schedule:** **Date** 12/12/2022 **Time** 7:00 **Location** 6100 So. Park Avenue

**3. Action is before:** ☒ Legislative Body ☐ Board of Appeals ☐ Planning Board

**4. Action consists of:** ☒ New Ordinance ☐ Rezone/Map Change ☒ Ordinance Amendment

☐ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other

**5. Location of Property:** ☒ Entire Municipality ☐ Specific as follows \_\_\_\_\_

**6. Referral required as Site is within 500' of:** ☐ State or County Property/Institution ☒ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☐ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

**7. Proposed change or use: (be specific)** Amendment to 280-133A of the Hamburg Town Code and the creation of a new Article LVII in Chapter 280 of the Hamburg Town Code

**8. Other remarks: (ID#, SBL#, etc.)** \_\_\_\_\_

**9. Submitted by:** Sarah K. desJardins, Planning Department

December 7, 2022

6100 South Park Avenue, Hamburg, NY 14075

**Reply to Municipality by Erie County Division of Planning**

Receipt of the above-described proposed action is acknowledged on 12/12/22. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Form ZR-3, Comment on Proposed Action is attached hereto.
3. ☐ The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. ☒ No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: \_\_\_\_\_

Date: 1/9/23

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**33. Proposed Local Law No. 12**

**Resolution No. \_\_\_\_-2023**

**RESOLUTION OF THE TOWN OF HAMBURG TOWN BOARD  
APPROVING LOCAL LAW NO. 12-2022**

**WHEREAS**, on November 21, 2022, Supervisor Randy Hoak, member of the Town Board, introduced a proposed amendment to Section 280-133A of the Town of Hamburg (Town) Town Code ("Code") to remove the processing or treatment of bituminous products as a permitted use in the M-3 zoning district ("Local Law No. 12"). Local Law No. 12 will affect all lands in the M-3 zoning district within the Town.

**WHEREAS**, the Local Law No. 12 was proposed in the form of a Local Law pursuant the authority granted to the Town Board and the Town by Articles 2 and 3 of the New York State Municipal Home Rule Law and by Article 2 of the New York State Statute of Local Governments, and the Town Board is authorized and empowered by Chapter 280, Article XLVIII of the Code, and Article 16 of New York Town Law to amend, supplement, change or repeal the regulations, restrictions and boundaries established by the Code to meet the growing and changing needs of the Town; and

**WHEREAS**, on November 21, 2022 the Town Board initiated an environmental review of Local Law No. 12 under the New York State Environmental Quality Review Act ("SEQRA"), directed that Local Law No. 12 be referred to the Erie County Department of Environment and Planning pursuant to Section 239-m of the New York State General Municipal Law; and directed that Local Law No. 12 be referred to the Planning Board for its review and for an advisory report pursuant to § 280-340(B) of the Code; and

**WHEREAS**, proper notice was given that the Town Board scheduled a public hearing for December 12, 2022 at 7:00 p.m., which was kept open and continued on January 23, 2023 at 7:00 p.m., for Local Law No. 12 of the Year 2022 entitled "A local law to amend Section 280-133A of the Town of Hamburg Town Code entitled "Principal uses and structures" by removing bituminous processing facilities as a permitted use in M-3 districts"; and

**WHEREAS**, said public hearing was duly held on December 12, 2022 at 7:00 p.m., and continued on January 23, 2023, at the Town of Hamburg Town Hall, located at 6100 South Park Avenue, Hamburg, New York 14075, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Local Law No. 12, or any part thereof, and after which, on January 23, 2023, the public hearing was closed; and

**WHEREAS**, at its meeting on December 13, 2022, the Town's Code Review Committee issued a recommendation that the Town Board adopt Local Law No. 12; and

**WHEREAS**, at its meeting on January 18, 2022 the Town's Planning Board reviewed and discussed an advisory report to the Town Board, in accordance with § 280-340(B) of the Code, supporting adoption of Local Law No. 12, however, a majority of the full Planning Board did not vote to approve the advisory report, with three affirmative votes, two abstentions, one Planning Board member absent, and one vacant Planning Board seat; and

**WHEREAS**, on January 9, 2023 the Erie County Department of Environment and Planning issued its response to the Town referral pursuant to Section 239-m of the New York State General Municipal Law, finding that Local Law No. 12 is a matter of local concern warranting no recommendation; and

**WHEREAS**, the Town's Draft Comprehensive Plan dated November 2022 ("Draft Comprehensive Plan") is currently before the Town Board for adoption; and

**WHEREAS**, on January 23, 2023, the Town Board, as Lead Agency for the conduct of an environmental review under SEQRA, determined that the adoption of Local Law No. 12 will not have a significant adverse impact on the environment, and adopted a Negative Declaration with respect to Local Law No. 12; and

**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt the Local Law No. 12.

**NOW THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF HAMBURG AS FOLLOWS:**

1. The Town has been actively working on updating its Comprehensive Plan, which updates include evaluating potential Zoning Code and Zoning Map amendments throughout the Town for areas that the Town views as improperly zoned in light of changes in the Town and region since the adoption of the last Comprehensive Plan; and the Draft Comprehensive Plan recommends, among other things, eliminating outdated industrial uses and zoning districts that do not represent the vision of the Town.
2. The Draft Comprehensive Plan notes that the Town will need to adapt to changes in the Town and the region as a whole to ensure that the vital economy of the Town supports the community's goals, the citizen's needs, and the economic needs of the business community, while remaining consistent with the Town's vision for the future.
3. The Draft Comprehensive Plan recommends, among other things, eliminating uses in the Code that no longer fit within the Town, for example, lumberyards and coal yards, cement mixing plants, storage or petroleum products as a primary use, and the processing of bituminous products.
4. Local Law No. 12 is consistent with the Draft Comprehensive Plan and is specifically intended to protect and enhance the Town's physical and visual environment, the Town's character, the Town's economic needs, and the health, safety, and general welfare of persons and property within the Town.
5. While Local Law No. 12 will impact an existing application from A.L. Asphalt Corporation for the construction and operation of an asphalt plant in an M-3 Zoning District, which may result in this, and potentially other properties, being derelict and/or underutilized, the public interest requires the Town Board to act. However, some potentially affected lots are currently underutilized, and a few vacant lots in all of the Town is not significant, and Local Law No. 12 allows for future development of these



and other lots in a manner that is consistent with the Town's Comprehensive Plan, and will protect the health, safety and general welfare of people and property within the Town.

6. Town has received written and oral testimony from Town residents, the Village of Hamburg, and interest groups regarding specific concerns with respect to asphalt plants and bituminous processing facilities in the Town of Hamburg.
7. Prohibiting asphalt plants and bituminous processing facilities, that typically process and store petroleum products, and could cause the discharge of wastewater and other by-products from facility operations to downstream waterbodies if not properly managed, will serve to protect potential adverse impacts to groundwater from asphalt plants within the Town.
8. Prohibiting asphalt plants and bituminous processing facilities, that typically emit hazardous air pollutants including carbon monoxide, nitrous oxide, particulate matter, sulfur dioxide, and volatile organic compounds, will serve to prevent emissions of hazardous air pollutants from asphalt plants within the Town.
9. Asphalt plants and bituminous processing facilities typically require the use of large structures for processing and storing asphalt material, and the siting of equipment used in manufacturing, for which screening and other camouflage methods must be utilized to mitigate impacts to aesthetic resources. Additionally, these facilities often generate plumes that can be visible from surrounding areas. Thus, prohibiting asphalt plants and bituminous processing facilities would serve to protect and improve aesthetic resources in the Town.
10. Asphalt plants and bituminous processing facilities typically involve asphalt trucks, material delivery trucks and employee vehicles that could affect existing parking or traffic levels, including pedestrian and bicycle traffic, within the Town. Thus, prohibiting asphalt plants and bituminous processing facilities would serve to improve transportation in the Town.
11. Asphalt plants and bituminous processing facilities can create odors, which can travel to neighboring properties. Thus, prohibiting asphalt plants and bituminous processing facilities would prevent these odors from occurring within the Town.
12. Banning plants and bituminous processing facilities will protect human health from exposure to new sources of contamination.
13. For the reasons set forth in this Resolution, and pursuant to New York State Municipal Home Rule Law § 20 and Sections 8-15 and 280-338 of the Code, the Town Board hereby adopts Town of Hamburg Local Law No. 12 of 2022, entitled "A local law to amend Section 280-133A of the Town of Hamburg Town Code entitled "Principal uses and structures" by removing bituminous processing facilities as a permitted use in M-3 districts." A copy of Local Law No. 12 is attached as **Exhibit A** to this Resolution.
14. The Town Board hereby directs the Town Clerk to enter said Local Law No. 12-2022 in

the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of State and is hereby authorized and directed for and in the name and on behalf of the Town Board to do all such further acts and things as may be necessary or, in the opinion of the Town Clerk, desirable and proper to effect the purposes of this resolution.

Moved: R. Hoak



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**34. Proposed Local Law No. 13**

Resolution No. \_\_\_\_-2023  
**RESOLUTION OF THE TOWN OF HAMBURG TOWN BOARD**  
APPROVING LOCAL LAW NO. 13 -2022

**WHEREAS**, on November 21, 2022, Supervisor Randy Hoak, member of the Town Board, introduced a proposed amendment to add Article LVII entitled “Bituminous Processing Facilities” to Chapter 280 of the Code that prohibits asphalt plants and bituminous processing facilities in the Town of Hamburg (“**Town**”) (“**Local Law No. 13**”). Local Law No. 2-2023 will affect all lands in the Town.

**WHEREAS**, the Local Law No. 13 was proposed in the form of a Local Law pursuant the authority granted to the Town Board and the Town by Articles 2 and 3 of the New York State Municipal Home Rule Law and by Article 2 of the New York State Statute of Local Governments, and the Town Board is authorized and empowered by Chapter 280, Article XLVIII of the Code, and Article 16 of New York Town Law to amend, supplement, change or repeal the regulations, restrictions and boundaries established by the Code to meet the growing and changing needs of the Town; and

**WHEREAS**, on November 21, 2022 the Town Board initiated an environmental review of Local Law No. 13 under the New York State Environmental Quality Review Act (“**SEQRA**”), directed that Local Law No. 13 be referred to the Erie County Department of Environment and Planning pursuant to Section 239-m of the New York State General Municipal Law; and directed that Local Law No. 13 be referred to the Planning Board for its review and for an advisory report pursuant to § 280-340(B) of the Code; and

**WHEREAS**, proper notice was given that the Town Board scheduled a public hearing for December 12, 2022 at 7:00 p.m., and kept open and continued on January 23, 2023 at 7:00 p.m., for Local Law No. 13 of the Year 2023 entitled “A local law to provide for a new Article LVII in Chapter 280 of the Town of Hamburg Town Code, entitled “Bituminous Processing Facilities,” prohibiting asphalt plants and bituminous processing facilities in the Town of Hamburg”; and

**WHEREAS**, said public hearing was duly held on December 12, 2022 at 7:00 p.m., and continued on January 23, 2023, at the Town of Hamburg Town Hall, located at 6100 South Park Avenue, Hamburg, New York 14075, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to Local Law No. 13, or any part thereof, and after which, on January 23, 2023, the public hearing was closed; and

**WHEREAS**, at its meeting on December 13, 2022, the Town’s Code Review Committee issued a recommendation that the Town Board adopt Local Law No. 13; and

**WHEREAS**, at its meeting on January 18, 2022 the Town’s Planning Board reviewed and discussed an advisory report to the Town Board, in accordance with § 280-340(B) of the Code, supporting adoption of Local Law No. 13, however, a majority of the full Planning Board did not vote to approve the advisory report, with three affirmative votes, two abstentions, one Planning Board member absent, and one vacant Planning Board seat; and

**WHEREAS**, on January 9, 2023 the Erie County Department of Environment and Planning issued its response to the Town referral pursuant to Section 239-m of the New York State General Municipal Law, finding that Local Law No. 13 is a matter of local concern warranting no recommendation; and

**WHEREAS**, the Town's Draft Comprehensive Plan dated November 2022 ("**Draft Comprehensive Plan**") is currently before the Town Board for adoption; and

**WHEREAS**, on January 23, 2023, the Town Board, as Lead Agency for the conduct of an environmental review under SEQRA, determined that the adoption of Local Law No. 13 will not have a significant adverse impact on the environment, and adopted a Negative Declaration with respect to the Local Law No. 13; and

**WHEREAS**, the Town Board, after due deliberation, finds it in the best interest of the Town to adopt Local Law No. 13.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWN BOARD OF THE TOWN OF HAMBURG AS FOLLOWS:

1. The Town has been actively working on updating its Comprehensive Plan, which updates include evaluating potential Zoning Code and Zoning Map amendments throughout the Town for areas that the Town views as improperly zoned in light of changes in the Town and region since the adoption of the last Comprehensive Plan; and the Draft Comprehensive Plan recommends, among other things, eliminating outdated industrial uses and zoning districts that do not represent the vision of the Town.
2. The Draft Comprehensive Plan notes that the Town will need to adapt to changes in the Town and the region as a whole to ensure that the vital economy of the Town supports the community's goals, the citizen's needs, and the economic needs of the business community, while remaining consistent with the Town's vision for the future.
3. The Draft Comprehensive Plan recommends, among other things, eliminating uses in the Code that no longer fit within the Town, for example, lumber yards and coal yards, cement mixing plants, storage or petroleum products as a primary use, and the processing of bituminous products.
4. Local Law No. 13 is consistent with the Draft Comprehensive Plan and is specifically intended to protect and enhance the Town's physical and visual environment, the Town's character, the Town's economic needs, and the health, safety, and general welfare of persons and property within the Town.
5. While Local Law No. 13 will impact an existing application from A.L. Asphalt Corporation for the construction and operation of an asphalt plant the Town, which may result in this, and potentially other properties, being derelict and/or underutilized, the public interest requires the Town Board to act. However, some of the potentially affected lots are currently underutilized, a few vacant lots in all of the Town is not significant, and Local Law No. 13 allows for future development of these and other lots in a manner that is consistent with the Town's Comprehensive Plan, and will protect the health, safety and general welfare of people and property within the Town.
6. Town has received written and oral testimony from Town residents, the Village of Hamburg, and interest groups regarding specific concerns with respect to asphalt plants and bituminous processing facilities in the Town of Hamburg.
7. Prohibiting asphalt plants and bituminous processing facilities, that typically process and store petroleum products, and could cause the discharge of wastewater and other by-products from facility operations to downstream waterbodies if not properly managed, will serve to protect potential adverse impacts to groundwater from asphalt plants within the Town.
8. Prohibiting asphalt plants and bituminous processing facilities, that typically emit hazardous air pollutants including carbon monoxide, nitrous oxide, particulate matter, sulfur dioxide, and volatile organic

compounds, will serve to prevent emissions of hazardous air pollutants from asphalt plants within the Town.

9. Asphalt plants and bituminous processing facilities typically require the use of large structures for processing and storing asphalt material, and the siting of equipment used in manufacturing, for which screening and other camouflage methods must be utilized to mitigate impacts to aesthetic resources. Additionally, these facilities often generate plumes that can be visible from surrounding areas. Thus, prohibiting asphalt plants and bituminous processing facilities would serve to protect and improve aesthetic resources in the Town.
10. Asphalt plants and bituminous processing facilities typically involve asphalt trucks, material delivery trucks and employee vehicles, that could impact existing parking or traffic levels, as well as pedestrian and bicycle traffic, within the Town. Thus, prohibiting asphalt plants and bituminous processing facilities would serve to improve transportation in the Town.
11. Asphalt plants and bituminous processing facilities can create odors which can travel to neighboring properties. Thus, prohibiting asphalt plants and bituminous processing facilities would prevent these odors from occurring within the Town.
12. Banning plants and bituminous processing facilities will protect human health from exposure to new sources of contamination.
13. For the reasons set forth in this Resolution, and pursuant to New York State Municipal Home Rule Law § 20 and Sections 8-15 and 280-338 of the Code, the Town Board hereby adopts Town of Hamburg Local Law No. 13, entitled “A local law to provide for a new Article LVII in Chapter 280 of the Town of Hamburg Town Code, entitled “Bituminous Processing Facilities,” prohibiting asphalt plants and bituminous processing facilities in the Town of Hamburg.” A copy of Local Law No. 13 is attached as **Exhibit A** to this Resolution.
14. The Town Board hereby directs the Town Clerk to enter said Local Law No. 13 in the minutes of this meeting and give due notice of the adoption of said Local Law No. 13 to the Secretary of State and is hereby authorized and directed for and in the name and on behalf of the Town Board to do all such further acts and things as may be necessary or, in the opinion of the Town Clerk, desirable and proper to effect the purposes of this resolution.

Moved: R. Hoak

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**35. Hamburg Comprehensive Plan SEQR Neg Dec**

**WHEREAS**, the Hamburg Town Board, with the input and participation of the Comprehensive Plan Committee and the citizens of the Town, has completed a new Town of Hamburg Comprehensive Plan in accordance with Section 272-a of New York State Town Law; and

**WHEREAS**, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Hamburg Town Board has established itself as SEQR Lead Agency and conducted a coordinated environmental (SEQR) review for this Type I action; and

**WHEREAS**, the Town Board has solicited input from the public and from other Involved and Interested agencies, and has taken a hard look at the social, economic, and environmental impacts of the adoption of the Comprehensive Plan Update; and

**WHEREAS**, the findings of this review indicate that the adoption of the 2022 Town of Hamburg Comprehensive Plan will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and will help manage growth and development in the Town in a manner that will have potentially beneficial impacts on aesthetics, recreation, economics, transportation and community character.

**NOW, THEREFORE BE IT RESOLVED**, that the Hamburg Town Board, as SEQR Lead Agency for this action, has determined that the adoption of the Town of Hamburg Comprehensive Plan will not result in any significant adverse impacts on the environment, and a Negative Declaration is hereby issued, based on the reasons as set forth in the Environmental Section of the Plan and the full Environmental Assessment Form; and

**BE IT FURTHER RESOLVED**, that the Hamburg Town Board recognizes the fact that the adoption of the Town of Hamburg Comprehensive Plan incurs no direct environmental impacts, and that the implementation of any suggested actions under the new Comprehensive Plan which may have potential impacts on the physical development of the Town, may require subsequent and specific SEQR review; and

**BE IT FINALLY RESOLVED**, that the Town Board authorizes the Town Supervisor to sign the Environmental Assessment Form, which will act as the SEQR Negative Declaration, and authorizes that the appropriate notices and filings be made.

Moved: R. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
Comp Plan Part 1 FEAF	1/18/2023	Backup Material
Comp Plan Part 2 FEAF	1/18/2023	Backup Material
Comp Plan Part 3 FEAF	1/18/2023	Backup Material

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

### A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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**C.3. Zoning**

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a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed. <span style="float: right;">130</span>				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: 131

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____            _____            _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes:	
<ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes:	
i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)	
ii. Describe types of new point sources. _____ _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____	
<ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____            _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify:	
i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____	
ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____	
iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____ _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes:	
i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____	
ii. In addition to emissions as calculated in the application, the project will generate:	
<ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <div style="text-align: right; font-weight: bold;">133</div>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply):    <input type="checkbox"/> Morning        <input type="checkbox"/> Evening        <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces:    Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes    No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	<p>134</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

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- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>	<p><b>136</b></p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• If yes, DEC site ID number: _____	137
• Describe the type of institutional control (e.g., deed restriction or easement): _____	
• Describe any use limitations: _____	
• Describe any engineering controls: _____	
• Will the project affect the institutional or engineering controls in place?	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Explain: _____ _____ _____	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%	
c. Predominant soil type(s) present on project site:	
_____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____% of site <input type="checkbox"/> Moderately Well Drained: _____% of site <input type="checkbox"/> Poorly Drained: _____% of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____% of site <input type="checkbox"/> 10-15%: _____% of site <input type="checkbox"/> 15% or greater: _____% of site	
g. Are there any unique geologic features on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, describe: _____ _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name _____ Approximate Size _____	
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j. Is the project site in the 100-year Floodplain?	<input type="checkbox"/> Yes <input type="checkbox"/> No
k. Is the project site in the 500-year Floodplain?	<input type="checkbox"/> Yes <input type="checkbox"/> No
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right;">138</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	



e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NY State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project :

Date :

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**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i>				<input type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>		
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>		
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>		
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>		
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

**2. Impact on Geological Features**

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The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☐ NO☐ YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☐ NO☐ YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/> 142
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If “Yes”, answer questions a - h. If “No”, move on to Section 5.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If “Yes”, answer questions a - g. If “No”, move on to Section 6.</i>			
	<input type="checkbox"/> NO	<input type="checkbox"/> YES	
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/> 143
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/> 144
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>		<input type="checkbox"/> NO <input type="checkbox"/> YES		145
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>	
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>	
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>	
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>		<input type="checkbox"/> NO <input type="checkbox"/> YES	
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/> 146
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>



**13. Impact on Transportation**

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The proposed action may result in a change to existing transportation systems.

☐ NO☐ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☐ NO☐ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☐ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/> 148
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

☐ NO☐ YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

☐ NO☐ YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

***Full Environmental Assessment Form***  
***Part 3 - Evaluation of the Magnitude and Importance of Project Impacts***  
***and***  
***Determination of Significance***

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action:

Name of Lead Agency:

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person:

Address:

Telephone Number:

E-mail:

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)  
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**36. Comprehensive Plan**

**WHEREAS**, the Town of Hamburg, through grants received from HUD (Community Development Block Grant Program) and Erie County, has worked diligently over the last three years in preparing a new Comprehensive Plan for the Town of Hamburg that would replace the existing 2007 Comprehensive Plan Update; and

**WHEREAS**, through the coordinated actions of a Comprehensive Plan committee, sub-committees, Town Board, Planning Board, other Town Departments, the citizens of the community, and through the Town's Planning Consultant, the Town completed a Draft Comprehensive Plan; and

**WHEREAS**, the Town of Hamburg determined that the Draft Comprehensive Plan was sufficiently complete for official agency input, and public review and input, and

**WHEREAS**, the Hamburg Town Board held a public hearing on 11/21/22 and 12/12/22 to solicit final comments on the draft Plan; and

**WHEREAS**, the adoption of a Comprehensive Plan requires a "239 referral" to Erie County, and the Town has completed this referral and received comments from Erie County; and

**WHEREAS**, in accordance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act - SEQR) of the Environmental Conservation Law, the Hamburg Town Board conducted a coordinated environmental review process of the Comprehensive Plan, received input from Involved and Interested Agencies, established itself as SEQR Lead Agency and determined that the adoption of the Comprehensive Plan would not have a significant effect on the environment and has issued a Negative Declaration; and

**WHEREAS**, the Hamburg Town Board has reviewed the draft documents and directed updates of the Plan in response to input received.

**NOW THEREFORE BE IT RESOLVED** that the Hamburg Town Board, in accordance with Section 272-a of New York State Town Law, hereby adopts the document entitled "Town of Hamburg Comprehensive Plan", dated January 2023, as the Town's Comprehensive Plan; and

**BE IT FINALLY RESOLVED** that a copy of the Town of Hamburg Comprehensive Plan be filed in the office of the Hamburg Town Clerk and placed on the Town's website.

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**37. Industrial Rezonings**

**Whereas**, the Town of Hamburg, over a three-year process, has completed a new Comprehensive Plan for the Town and the Town has also completed other studies and reports on land use issues in the Town; and

**Whereas**, zoning must be in accordance with a Comprehensive Plan and the Town wants to begin the process of bringing properties into conformance with the Town's new Comprehensive Plan; and

**Whereas**, the Town Board authorized the Planning Department and the Town's Planning Consultant to begin the implementation of the Plan by taking the industrial zoned properties that are identified as being mis-zoned and/or do not conform to the vision and direction of the Town Comprehensive Plan; and

**Whereas**, the Planning department and Town Planning consultant have generated a memo and mapping that identified potential properties to be rezoned and presented that information to the Town Board; and

**Whereas**, the Hamburg Town Board has reviewed the information presented and has determined that they wish to proceed with the rezoning of these lands; and

**Whereas**, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:  
 Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Town Zoning map as follows:

Operating Engineers: Rezone parcels with the following SBL #'s; 181.00-1-5.11, 181.00-1-5.12 from M-2 (Light Industrial District) to R-A (Residential Agricultural District).

Camp Road site: Rezone parcels with the following SBL #'s; 170.00-3-4.1, 170.0-3-6.31, and 170.00-3-32 from M-2 (Light Industrial District) to C-2 (General Commercial District).

Old Concrete site: Rezone the parcel with the following SBL #; 182.16-7-3.1 from M-3 (general Industrial District) to MU1 - Mixed Use District 1.

Old Concrete site and other parcels: Rezone parcels with the following SBL #'s; 182.20-10-7.21, 182.20-10-7.1, 182.20-10-6, 182.20-10-4.1, 182.20-10-3, 182.20-10-2, 182.20-10-5.11, and 182.00-10-1 from M-2 (Light Industrial District) to MU1 - Mixed Use District 1.



NYSDOT and Erie County sites: Rezone parcels with the following SBL #'s; 195.11-3-1, 195.11-3-2, 195.00-2-25.112, 195.11-3-3.1 and 195.11-2-10 from M-2 (Light Industrial District) to C-2 (General Commercial District).

Other lands north of Lakeview Road: Rezone the parcels with the following SBL #'s; 195.11-3-3.22 and 195.00-2-25.12 from M-2 (Light Industrial District) to C-2 (General Commercial District).

Other lands south of Lakeview Road: Rezone parcels with the following SBL #'s; 195.11-3-5, 195.11-2-2.8, 195.11-2-9, and 195.15-1-1.2 from M-2 (Light Industrial District) to C-2 (General Commercial District).

Lands along Railroad on Lakeview Road: Rezone parcels with the following SBL #'s; 193.00-4-7, 193.00-4-6, 193.00-4-3.11, and 193.00-4-2 from M-2 (Light Industrial) to R-A (Residential Agricultural District).

**Now, Therefore, Be It Resolved,** the Hamburg Town Board refers this rezoning proposal (copy of proposed properties to be rezoned is attached) to the Planning Board for its review and recommendation, and to Erie County in accordance with General Municipal Law section 239-m; and

**Be It Further Resolved** that the Hamburg Town Board would like to act as SEQR Lead Agency, in accordance with the New York State Environmental Quality Review Act (SEQRA), and hereby authorizes the Planning Department to perform the appropriate mailings; and

**Be It Finally Resolved,** the Hamburg Town Board, pursuant to the statutes and the provisions of the Municipal Home Rule Law, hereby sets a Public Hearing on this proposed rezoning proposal and that such hearing shall take place at the Hamburg Town Hall located at 6911 South Park Avenue, Hamburg, NY at 7:00 pm on MM, DD 2022.

Moved: R. Hoak

#### **ATTACHMENTS:**

Description	Upload Date	Type
Industrial Rezoning FEAF Part 1	1/18/2023	Backup Material
Industrial Rezoning Law	1/18/2023	Backup Material
Industrial Rezoning Property Maps	1/18/2023	Backup Material



## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

### A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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**C.3. Zoning**

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a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?

☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>				
If Yes, show numbers of units proposed. <span style="float: right;">158</span>				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span>	
_____	
iii. If other than water, identify the type of impounded/contained liquids and their source.	
_____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):	
_____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
<ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.	
_____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If yes, describe. _____	
_____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	
_____	
_____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	
_____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: 159

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> <li>i. How much impervious surface will the project create in relation to total size of project parcel?             <div style="margin-left: 20px;">               _____ Square feet or _____ acres (impervious surface)                _____ Square feet or _____ acres (parcel size)             </div> </li> <li>ii. Describe types of new point sources. _____</li> </ul>	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
<ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> </ul>	
<ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> <li>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</li> <li>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</li> <li>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</li> </ul>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> <li>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</li> <li>ii. In addition to emissions as calculated in the application, the project will generate:             <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul> </li> </ul>	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Estimate methane generation in tons/year (metric): _____</p> <p style="margin-left: 20px;">ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>	<p>161</p>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. When is the peak traffic expected (Check all that apply): <span style="margin-left: 20px;"><input type="checkbox"/> Morning</span> <span style="margin-left: 20px;"><input type="checkbox"/> Evening</span> <span style="margin-left: 20px;"><input type="checkbox"/> Weekend</span>  <span style="margin-left: 20px;"><input type="checkbox"/> Randomly between hours of _____ to _____.</span></p> <p style="margin-left: 20px;">ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p style="margin-left: 20px;">iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p style="margin-left: 20px;">iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes No</span></p> <p style="margin-left: 20px;">v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p style="margin-left: 20px;">vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p style="margin-left: 20px;">ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p style="margin-left: 20px;">iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	<p>162</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

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- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_
- ii. Anticipated rate of disposal/processing:
- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
  - \_\_\_\_\_ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_
- ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_
- iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_
- v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
- ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>	<p>164</p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities: _____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection: _____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? _____</li> <li>• Explain: _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <div style="text-align: right; font-weight: bold;">165</div>																
<b>E.2. Natural Resources On or Near Project Site</b>																	
a. What is the average depth to bedrock on the project site? _____ feet																	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %																	
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 60%;"></td> <td style="border-bottom: 1px solid black; width: 20%; text-align: right;">%</td> <td style="border-bottom: 1px solid black; width: 20%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">%</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">%</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>			%			%			%								
	%																
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	%																
d. What is the average depth to the water table on the project site? Average: _____ feet																	
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><input type="checkbox"/> Well Drained:</td> <td style="width: 30%; text-align: right;">_____ % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site		<input type="checkbox"/> Moderately Well Drained:	_____ % of site		<input type="checkbox"/> Poorly Drained	_____ % of site								
<input type="checkbox"/> Well Drained:	_____ % of site																
<input type="checkbox"/> Moderately Well Drained:	_____ % of site																
<input type="checkbox"/> Poorly Drained	_____ % of site																
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td style="width: 30%;"><input type="checkbox"/> 0-10%:</td> <td style="width: 30%; text-align: right;">_____ % of site</td> <td style="width: 40%;"></td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> <td></td> </tr> </table>		<input type="checkbox"/> 0-10%:	_____ % of site		<input type="checkbox"/> 10-15%:	_____ % of site		<input type="checkbox"/> 15% or greater:	_____ % of site								
<input type="checkbox"/> 0-10%:	_____ % of site																
<input type="checkbox"/> 10-15%:	_____ % of site																
<input type="checkbox"/> 15% or greater:	_____ % of site																
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____																	
h. Surface water features. <ul style="list-style-type: none"> <li>i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> <li>iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>iv. For each identified regulated wetland and waterbody on the project site, provide the following information:             <table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name _____</td> <td style="width: 10%;">Classification _____</td> <td style="width: 40%;"></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> <td></td> </tr> <tr> <td>• Wetlands:</td> <td>Name _____</td> <td>Approximate Size _____</td> <td></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="3">_____</td> </tr> </table> </li> </ul>		• Streams:	Name _____	Classification _____		• Lakes or Ponds:	Name _____	Classification _____		• Wetlands:	Name _____	Approximate Size _____		• Wetland No. (if regulated by DEC)	_____		
• Streams:	Name _____	Classification _____															
• Lakes or Ponds:	Name _____	Classification _____															
• Wetlands:	Name _____	Approximate Size _____															
• Wetland No. (if regulated by DEC)	_____																
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____																	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>																	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>																	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>																	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: _____</li> </ul>																	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p style="text-align: right;">166</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NY Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



## DRAFT MEMO

**To:** Hamburg Town Board  
**From:** Town Planning Consultant: Andrew Reilly, AICP  
**Date:** December 12, 2022  
**RE:** Industrial Rezoning Properties

The following are the first targeted “rezonings” in accordance with the new Town of Hamburg’s Comprehensive Plan and the Hamburg Gateway Revitalization Design Project. They are based on the recommendations in the Comprehensive Plan and focus on the improperly zoned Industrial lands in the Town of Hamburg that are a priority. They are being done in conjunction with updates to the Town’s zoning code that have been started.

There are two other areas of problematic Industrial zoning in the Town, but these areas are specifically called out for as needing additional studies prior to rezoning.

The following are the high priority industrial rezonings that are ready for consideration:

- a. Rezoning of the Operating Engineers property, currently zoned M-2, to R-A. They are being rezoned to meet the long-term direction for that area, which is Residential Agricultural (RA). (See Versailles Rd and Pleasant Ave Attached Map). The Operating Engineers can continue to utilize the property for their present uses.

Rezone parcels with the following SBL #'s; 181.00-1-5.11, 181.00-1-5.12 (Operating Engineers site) from M-2 (Light Industrial District) to R-A (Residential Agricultural District).

- b. Rezoning the vacant lands and a small business that are Industrial zoned (M-2) properties along the railroad tracks in Lakeview to R-A. This is outdated zoning that currently does not match the vision of the area. The Town is rezoning these M-2 zoned properties except for the property recently approved for boat storage and other storage in that area. The remainder of the sites are going to be rezoned to R-A (See Railroad Ave and Lakeview Rd Attached Map).



Rezone parcels with the following SBL #'s; 193.00-4-7, 193.00-4-6, 193.00-4-3.11, and 193.00-4-2 from M-2 (Light Industrial) to R-A (Residential Agriculture District).

- c. Rezoning the Industrial zoned (M-2) lands abutting the Village of Hamburg on Lakeview Road. These include the NYSDOT and ECDPW facilities and some other lands owned by NYS and the County. The long-term plan of that area is not Industrial, and these lands can be utilized by NYS and the County under any zoning. These lands should be rezoned to R-A. (See Lakeview Road and Memorial Dr Attached Map).

Other commercial businesses in this area will be zoned from M-2 to C-2 to better meet existing and potential future uses in this area in accordance with the Comprehensive Plan. One property will remain M-2 until the Town determines the proper zoning of this site.

Rezone parcels with the following SBL #'s; 195.11-3-1, 195.11-3-2, 195.00-2-25.112, 195.11-3-3.1 and 195.11-2-10 from M-2 (Light Industrial) to C-2 (General Commercial).

Rezone parcels with the following SBL #'s; 195.11-3-5, 195.11-2-2.8, 195.11-2-9, and 195.15-1-1.2 from M-2 (Light Industrial) to C-2 (General Commercial).

- d. Rezoning the old Concrete Plant properties and surrounding properties on Camp Road from M3 and M2 to the new MU1 - Mixed Use Zoning District. The existing zoning does not match the current conditions in the area and is not in conformance with the Town and Village Comprehensive Plans, and the Gateway project. These properties are more suitable for the Town's new Mixed Use Zoning District 1 (MU1). (See Camp Road and Staley Dr Attached Map)

Rezone the parcel with the following SBL #; 182.16-7-3.1 from M-3 (General Industrial) to Mixed Use Zoning District 1.

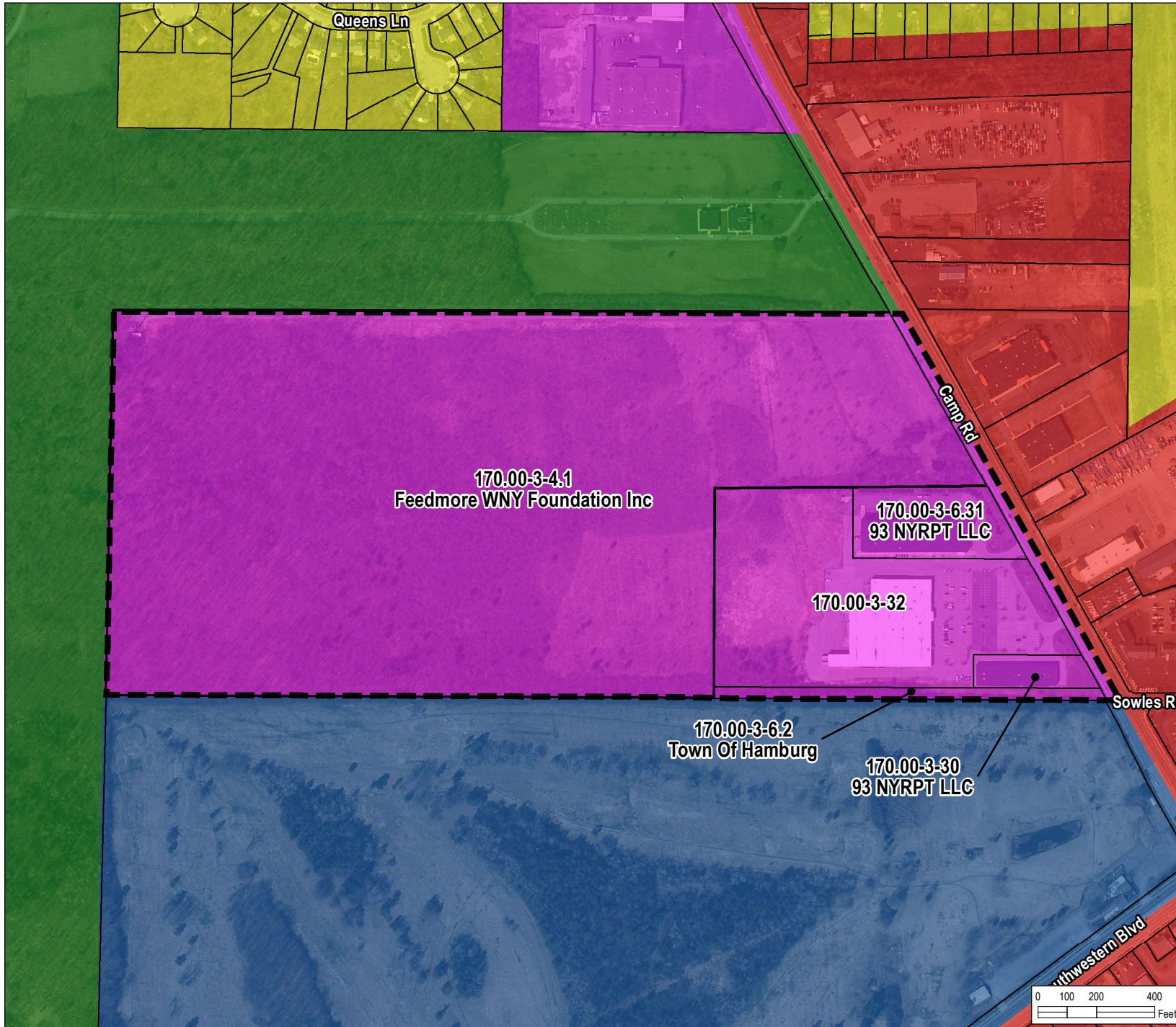
Rezone parcels with the following SBL #'s; 182.20-10-7.21, 182.20-10-7.1, 182.20-10-6, 182.20-10-4.1, 182.20-10-3, 182.20-10-2, 182.20-10-5.11, and 182.00-10-1 from M-2 (Light Industrial) to Mixed Use Zoning District 1.



- e. Rezoning the properties zoned M-2 on Camp Road just to the north of the old South Shore Golf Course property to C-2. The front of this property is presently being used for commercial businesses and this old industrial park never proceeded as an Industrial Park and some of the lands have been sold. This will better match the property's current uses, the zoning in that area, and the Town's Comprehensive Plan. (See Camp Road and Sowles Road Attached Map)

Rezone parcels with the following SBL #'s; 170.00-3-4.1, 170.0-3-6.31, and 170.00-3-32 from M-2 (Light Industrial) to C-2 (General Commercial).





## Town of Hamburg








Erie County, New York

### Proposed Industrial Zoned Properties Changes

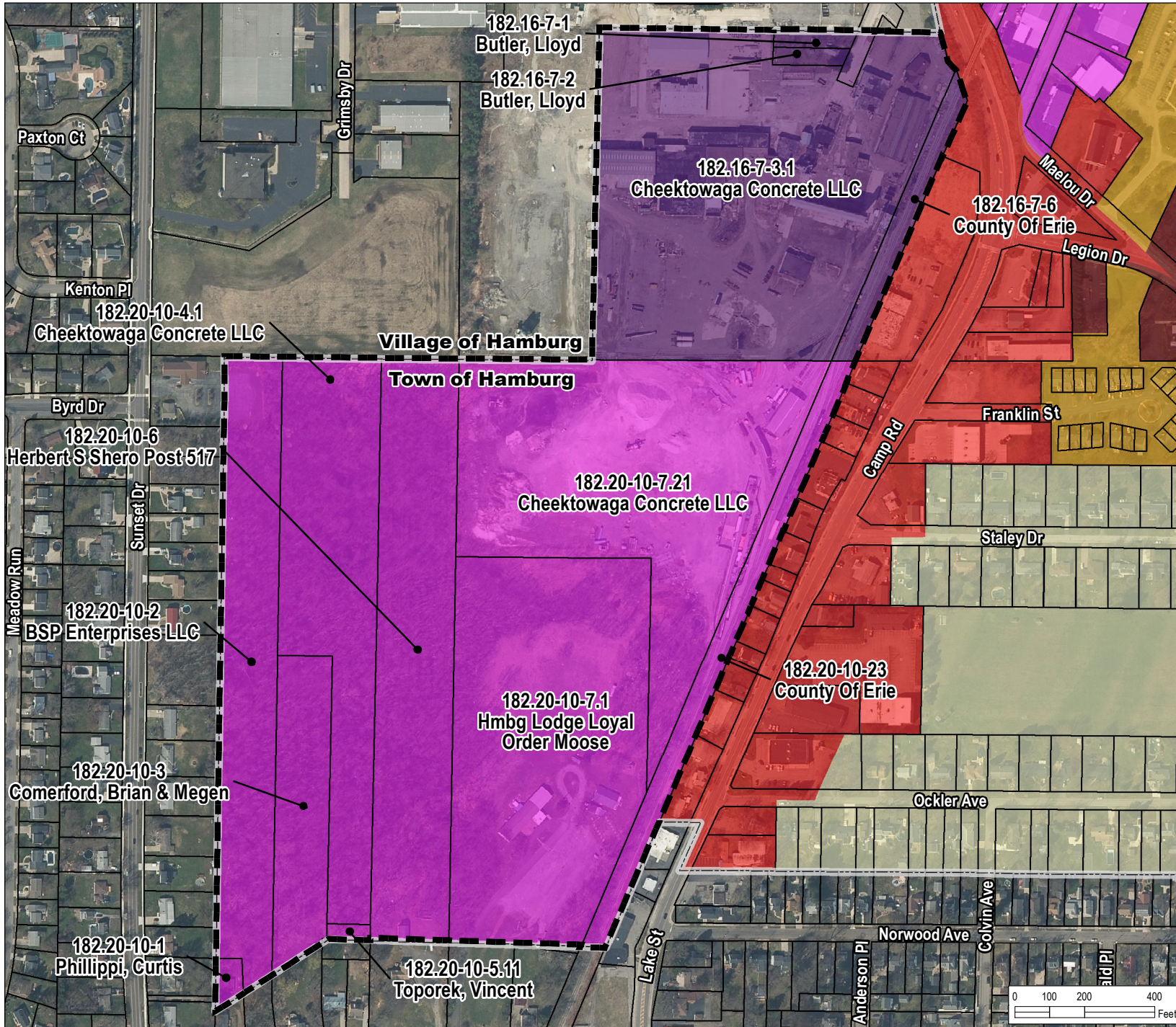
Camp Rd and Sowles Rd  
Area



#### LEGEND

-  Parcels (2022)
-  Area in Question
- Town of Hamburg Zoning  
as of 6/28/2022**
-  C2
-  M2
-  PUD
-  R2
-  RA





## Town of Hamburg

Erie County, New York

### Proposed Industrial Zoned Properties Changes

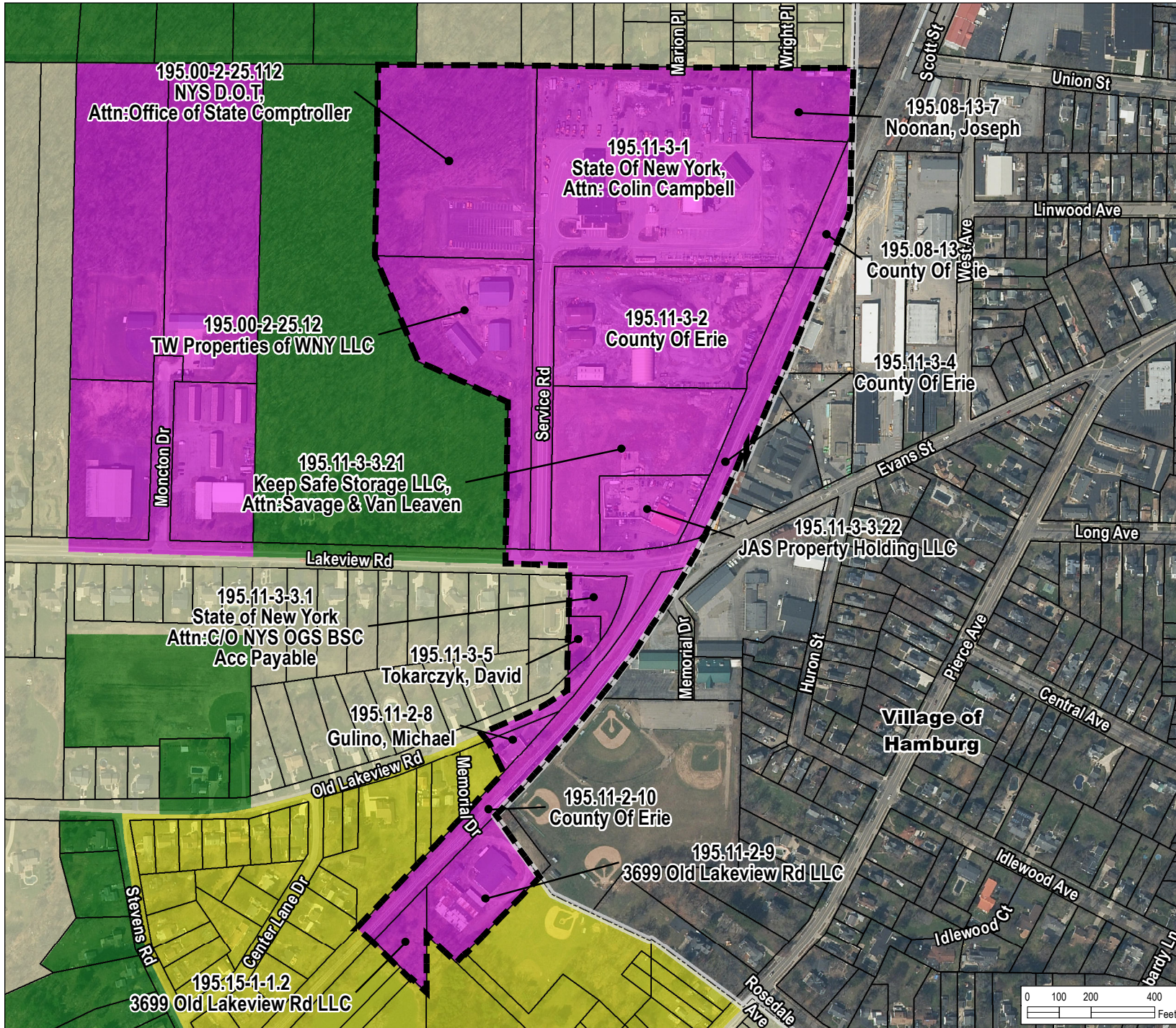
Camp Rd and Staley Dr Area



#### LEGEND

- Parcels (2022)
- Area in Question
- Town of Hamburg Zoning as of 6/28/2022**
- C2
- C3
- M2
- M3
- R1
- R3





## Town of Hamburg

Erie County, New York

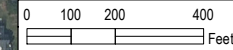
### Proposed Industrial Zoned Properties Changes

Lakeview Rd and  
Memorial Dr Area



#### LEGEND

- Parcels (2022)
- Area in Question
- Town of Hamburg Zoning as of 6/28/2022**
- M2
- R1
- R2
- RA



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## Town of Hamburg

Erie County, New York

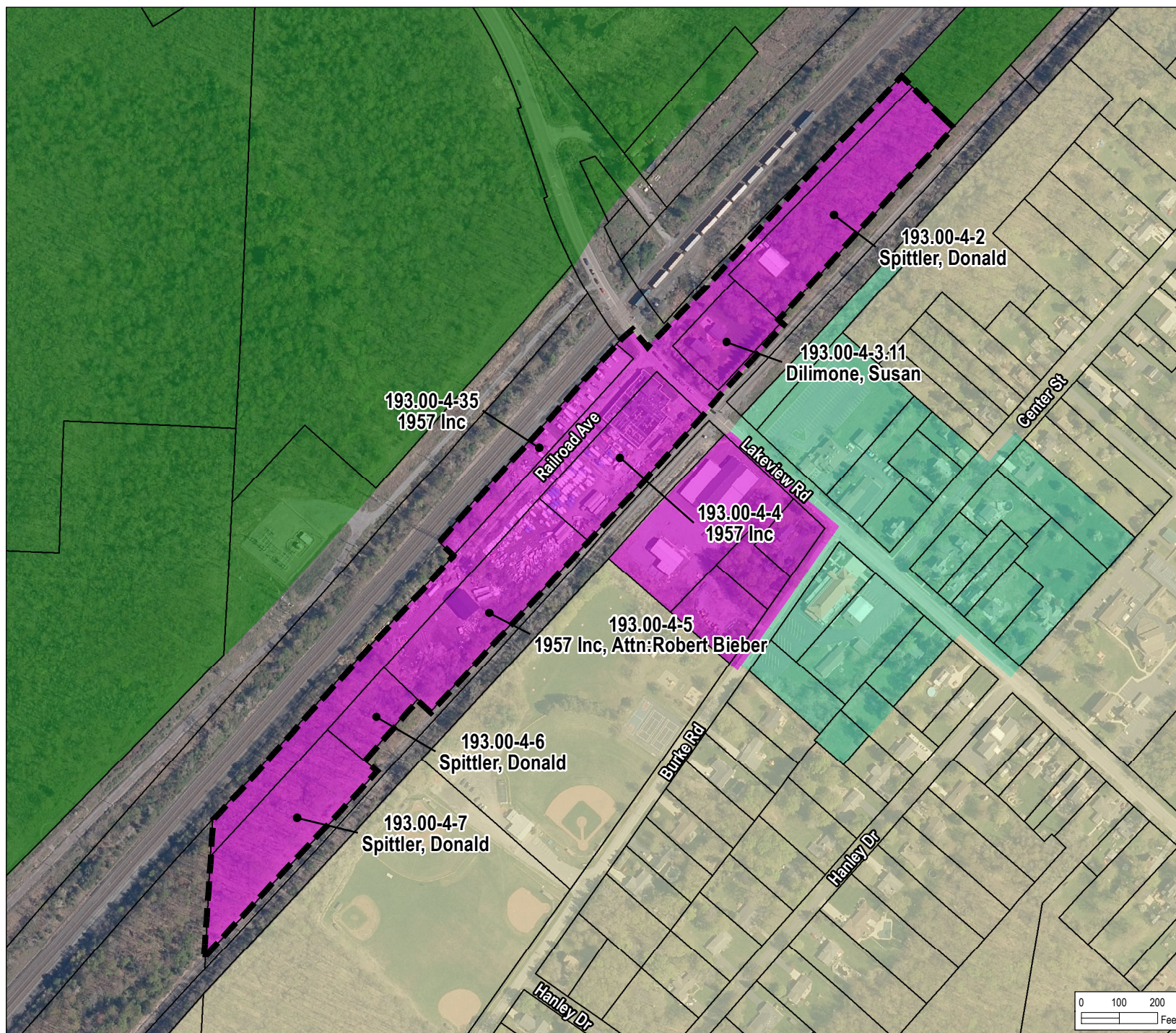
### Proposed Industrial Zoned Properties Changes

Railroad Ave and  
Lakeview Rd Area



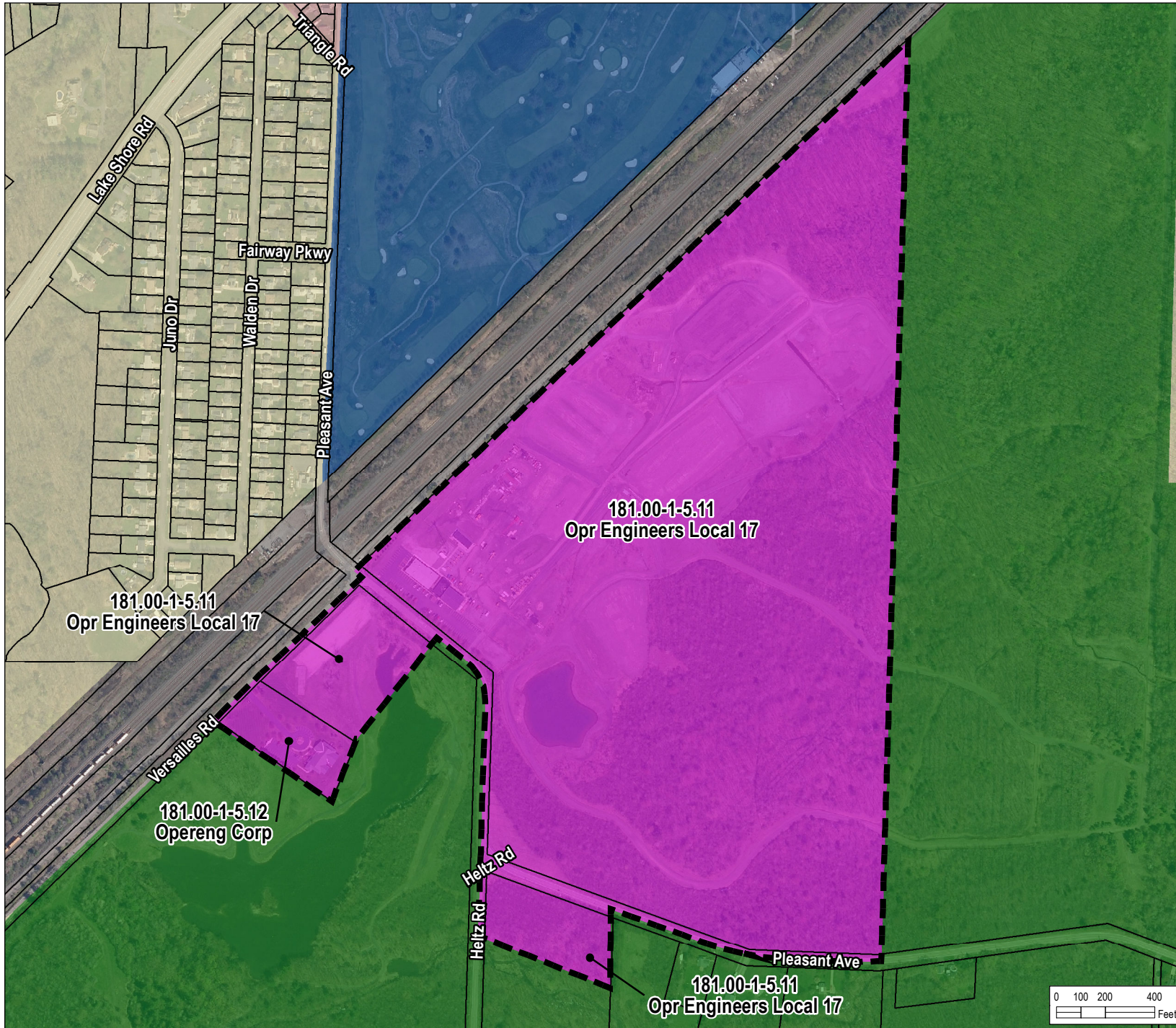
#### LEGEND

- Parcels (2022)
- Area in Question
- Town of Hamburg Zoning as of 6/28/2022**
- M2
- NC
- R1
- RA



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## Town of Hamburg








Erie County, New York

### Proposed Industrial Zoned Properties Changes

Versailles Rd and  
Pleasant Ave Area



#### LEGEND

-  Parcels (2022)
-  Area in Question
- Town of Hamburg Zoning  
as of 6/28/2022**
-  C1
-  M2
-  PUD
-  R1
-  RA



**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**38. New Ag District and 3 new overlays**

**Whereas**, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

**Whereas**, the Town of Hamburg, over a three-year process, has completed a new Comprehensive Plan for the Town and begun the adoption of this Plan, and the Town has also completed other studies and reports on land use issues in the Town; and

**Whereas**, zoning must be in accordance with a Comprehensive Plan and the Town wants to continue the process of bringing the Town's zoning Code and Zoning map into conformance with the Town's new 2022 Comprehensive Plan; and

**Whereas**, pursuant to Municipal Home Rule Law, the Town Board is proposing to enact a local law as follows:

Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Hamburg Town Code as follows (full copies attached):

Amend Chapter 280 (Zoning), by adding a new Articles, entitled "AG Agriculture District", "AG-OS Agriculture and Open Space Overlay District", "Lakeview Overlay District" and "Southeastern Hamburg Overlay District".  
 and;

**Whereas**, pursuant to Municipal Home Rule Law, the Town Board is also proposing to enact a local law which proposes to amend the Town's Zoning Map as follows:  
 Be it enacted by the Town Board of the Town of Hamburg, New York, that the Hamburg Town Board amends the Town Zoning map as follows:  
 Remove the "Southern Hamburg Overlay District" and replace it with three overlay districts, the "Lakeview Overlay District", the "Southeastern Overlay District" and the "Agricultural and Open Space Overlay District" as illustrated on the attached maps.

**Now, Therefore, Be It Resolved** , pursuant to Part 617 6NYCRR, Article 8 of the Environmental Conservation Law (SEQRA), it is the intent of the Town of Hamburg Town Board to establish itself as SEQR Lead Agency and conduct a coordinated review of proposed revisions to the Town Code; Chapter 280 – Zoning and the Town's Zoning Map.

**Be It Further Resolved,** that the Hamburg Town Board hereby authorizes the referral of these proposed laws and map amendments to Erie County and to the Hamburg Planning Board; and

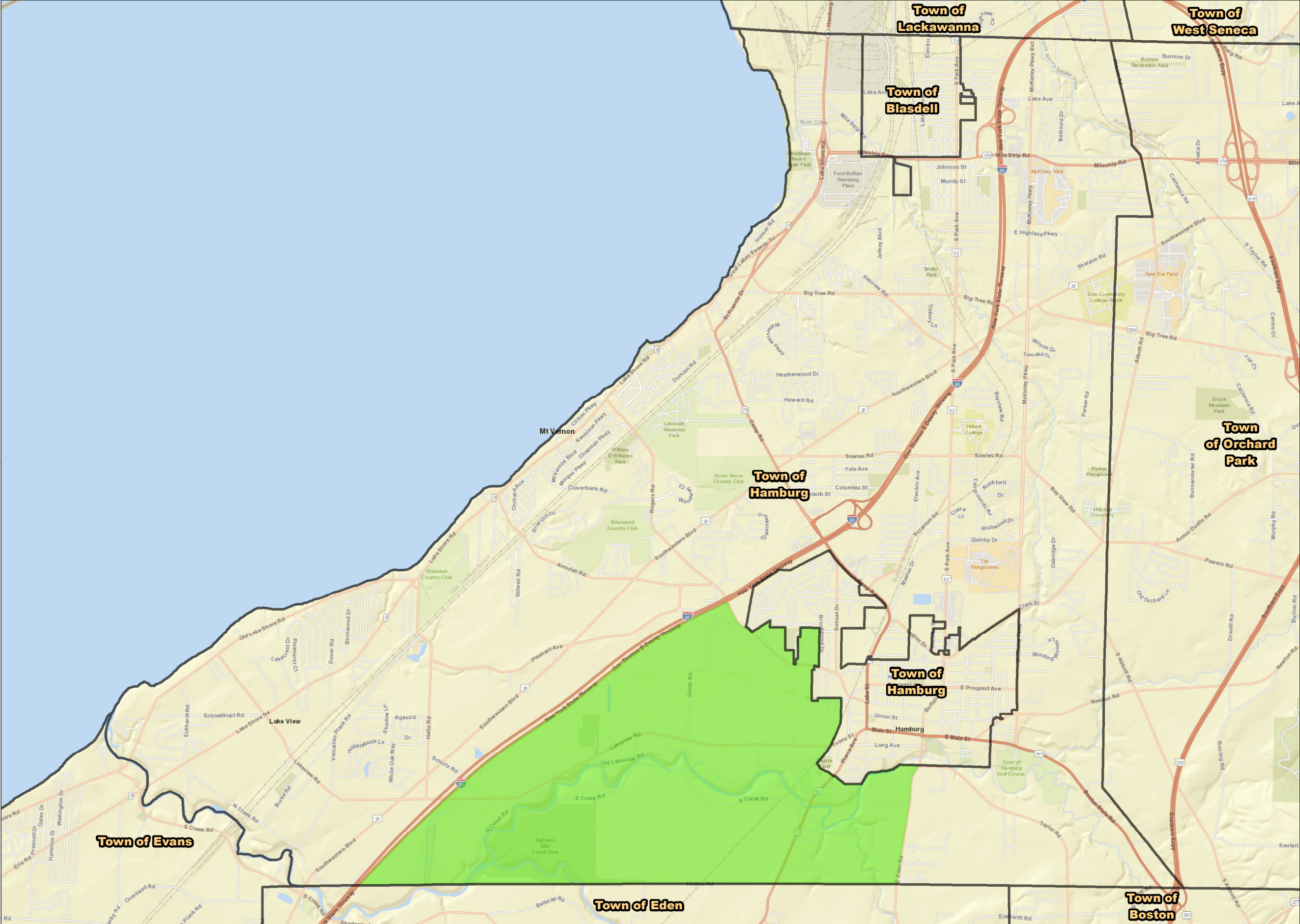
**Be It Finally Resolved,** that the Hamburg Town Board sets a Public Hearing on these proposed amendments at the Hamburg Town Hall, 6100 South Park Avenue, Hamburg, NY at 7:00 pm on MM DD, 2023.

Moved: R. Hoak

**ATTACHMENTS:**

Description	Upload Date	Type
Open Space Overlay Map	1/18/2023	Backup Material
Ag District and 3 overlay adoption process	1/18/2023	Resolution Letter
Lakeview Overlay Map	1/18/2023	Backup Material
Southeast Overlay Map	1/18/2023	Backup Material
Ag District Law	1/18/2023	Backup Material
Ag Open Space Law	1/18/2023	Backup Material
Lakeview Overlay Law	1/18/2023	Backup Material
SE Overlay Law	1/18/2023	Backup Material
Ag District and 3 New Overlays FEAF Part 1	1/18/2023	Backup Material





# New Agriculture / Open Space Overlay

Town of Hamburg  
ERIE COUNTY, NEW YORK



**LEGEND**

Municipal Boundary

New Agriculture/Open Space Overlay

0 0.25 0.5 1 Miles

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**New Ag district, AG/OS Overlay, Lakeview and SE Overlay**  
**Pre-file 1/23/22 Town Board meeting**

**Whereas**, the Hamburg Town Code contains and specifies the local laws and ordinances of the Town of Hamburg; and

**Whereas**, the Town of Hamburg, over a three-year process, has completed a new Comprehensive Plan for the Town and begun the adoption of this Plan, and the Town has also completed other studies and reports on land use issues in the Town; and

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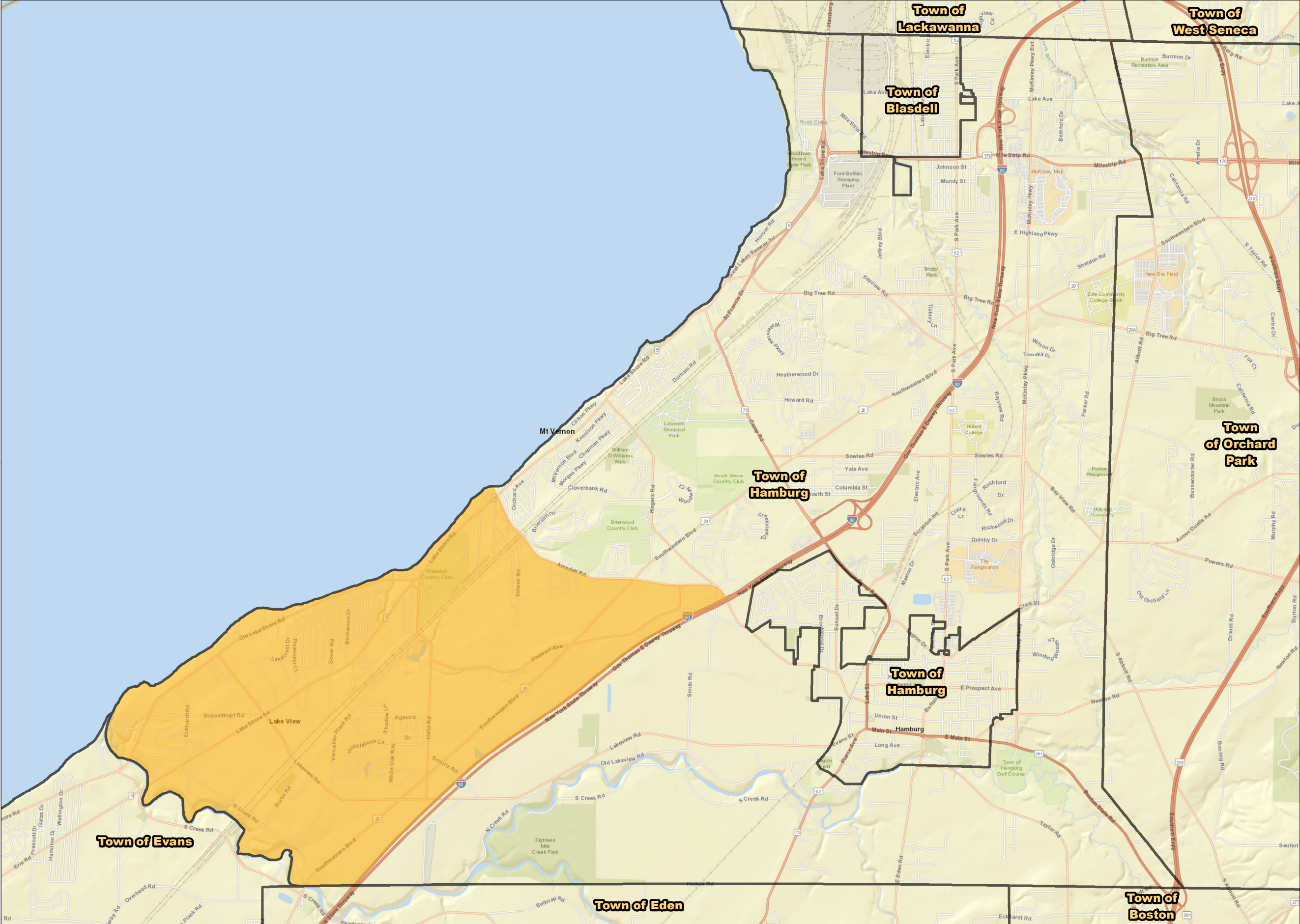
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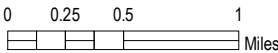


**New Lakeview Overlay**  
Town of Hamburg  
ERIE COUNTY, NEW YORK



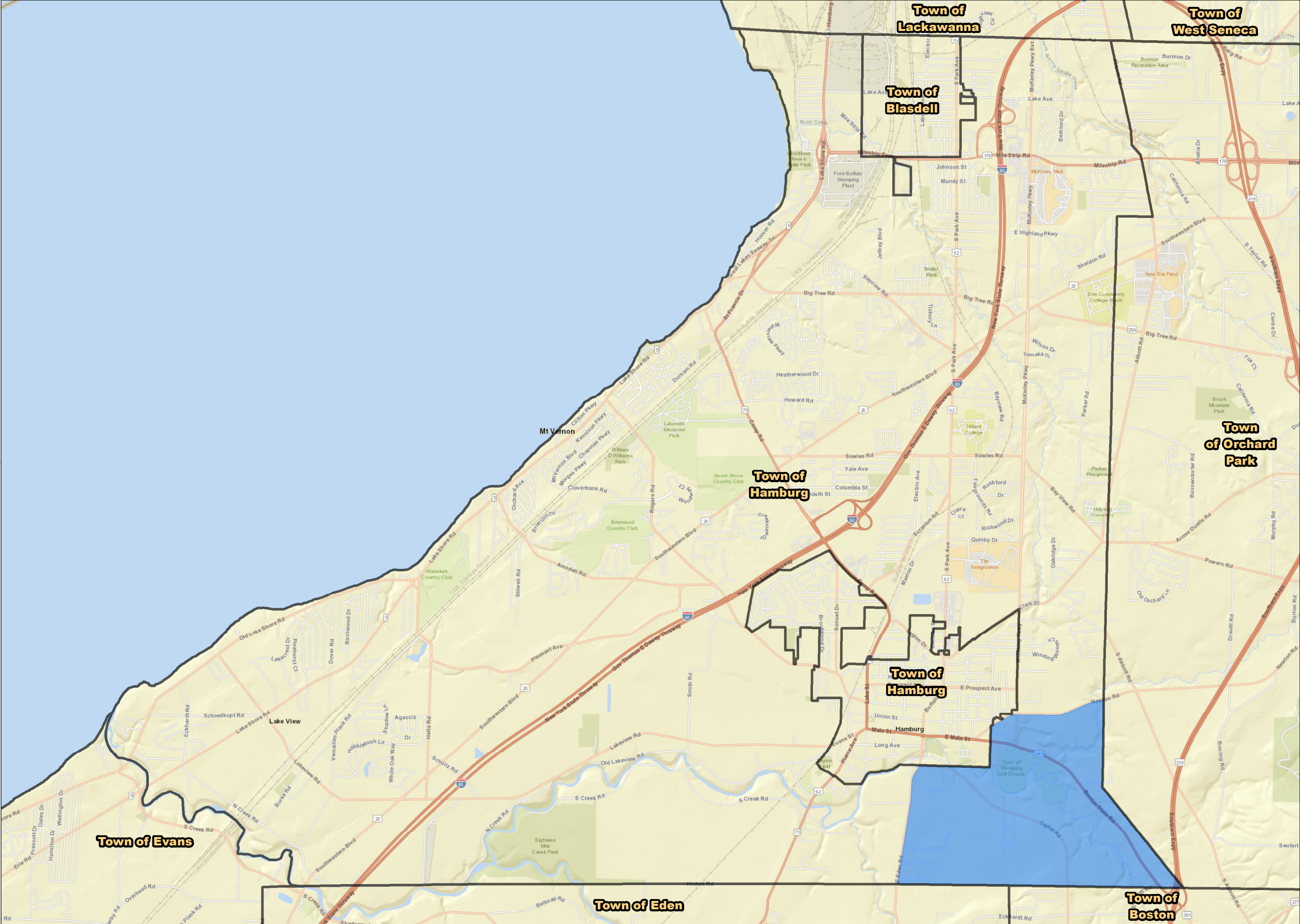
**LEGEND**

- Municipal Boundary
- New Lakeview Overlay



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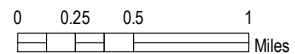


**New SE Overlay**  
Town of Hamburg  
ERIE COUNTY, NEW YORK



**LEGEND**

- Municipal Boundary
- New SE Overlay



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**§ Purpose and Intent**

- A. The purpose of the Agricultural Use District is to ensure that agriculture can be a primary land use and to encourage more agricultural uses and agricultural-related uses in this area of the Town. The Town seeks to promote the vitality of agriculture and agricultural-related uses in the Town of Hamburg as an essential element in the economic stability and future of the Town, to preserve the rural character of the Town, to assure compatible types and densities of development on and adjacent to lands that are used for agricultural pursuits and, in keeping with the declared policy of the state, pursuant to New York State Agriculture and Markets Law, Article 25-AA, § 300, to conserve, protect and encourage the development and improvement of its agricultural land for production of food and other agricultural products and to conserve and protect agricultural lands as valued natural and ecological resources which provide needed open spaces for clean air sheds, as well as for aesthetic purposes.
- B. In creating this agricultural zoning district, the Town also acknowledges that agriculture and agricultural related practices are constantly evolving and that practices and uses that may presently not be considered normal agricultural practices may be important to the future of agriculture in the Town and the viability of those agricultural businesses. This will be utilized when interpreting allowable agricultural related uses in this district.
- C. Persons and entities not engaged in agricultural pursuits in the agricultural zone should be aware that the primary intention of the zone is to permit any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to New York State Agriculture and Markets Law, Article 25-AA, § 308, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment, proper use of agricultural chemicals and other crop protection methods, direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on farm, and construction and use of farm structures. Such practices may generate dust, smoke, odor, noise and vibration. During growing seasons, machinery may be operated at other than daylight hours.
- D. Accordingly, any person or entity residing or working in an agricultural zone should anticipate these types of concerns and recognize that such are the by-product of zoning in an area in the Town where agricultural endeavors are encouraged to thrive.
- E. To the extent buffer areas may be required by a planning or zoning board, the intention of such buffers is to reduce the potential for conflicts between farming and nonfarming uses. No agricultural land should be taken out of production to provide required buffer areas unless no other practical possibility exists to reduce such potential conflict, and in such instance, all practical accommodations should be expended to reduce the impact on the agricultural land in production. Agricultural zones are also areas of the Town where it is unlikely public sewer will be made available, so as to reduce the economic pressures for development that often result from the introduction of such facilities. Consequently, persons acquiring property in agricultural zones should not expect such public facilities to be provided.



## § Permitted uses and structures.

184

Permitted uses and structures for the AG Agricultural District shall be as follows:

### A. Principal uses and structures.

- (1) A one-family dwelling
- (2) Church or other places of worship or religious education, parish house, convent, rectory or parsonage.
- (3) Institution of a religious, charitable or philanthropic nature.
- (4) Fire station.
- (5) Preschool, nursery school or day nursery, subject to side yard requirements for other principal buildings.
- (6) Golf course, miniature golf course and/or practice driving range, including accessory buildings, structures and uses which are necessary for or customary to such operations; provided, further, that no buildings or structures shall be less than 100 feet from any street line, road line or any other lot in an R or AG District.
- (7) Bed-and-breakfast establishments.
- (8) Two single-family dwellings on a single lot of at least six acres, provided that all buildings are located so as to permit future division of the property into separate lots with minimum area and yard regulations as stipulated for single-family usage.
- (9) Agricultural, floricultural and horticultural pursuits, including but not limited to general farms, greenhouses, plant nurseries, truck gardens, dairy husbandry, animal husbandry and the raising of bees, poultry and livestock, together with all customary buildings and other structures necessary for the production and storage of the products of such pursuits, provided that no buildings, pens and runways for the confinement of livestock or poultry and no manure or other dust-producing substances shall be stored within 100 feet of any lot line.
- (10) Other agricultural related uses, as interpreted by the Code Enforcement Officer with input from the Town Agricultural Board.
- (11) Forest farming, including tree farming.
- (12) Greenhouses and Nurseries
- (13) Agri-tourism uses as defined in the definitions section of this zoning law.
- (14) Small scale (buildings less than 5,000 square feet) craft wineries, breweries and cideries in accordance with the general requirements of Article XLVI
- (15) Veterinarian or small animal hospital; provided however, that no buildings, pens or runways for the confinement of animals and no manure or other odor- or dust-producing substances shall be within 100 feet of any lot line.
- (16) Cemeteries.
- (17) Private clubs, including a club swimming pool and/or tennis parks, catering exclusively to members and guests.
- (18) Shops for custom work, such as but not limited to cabinetmaking, carpentry, electrical and mechanical trades, plumbing, printing, shoe repair and tailoring, provided that no more than five persons are employed in such shop and only light machines and hand tools are used in connection therewith and no operation is so conducted as to be noxious or offensive. Shops not meeting these conditions will require a special use permit.
- (19) Combinations of the above allowed uses on a single property and mixed-use structures containing the above allowed uses.

### B. Uses allowed by Special Use Permit

The following uses by special use permit authorized by the Planning Board, subject to Article XLVI of this chapter relating to the issuance of special use permits:

- (1) Telecommunications facilities, which shall be governed by the provisions of Article XLVII

- (2) Dog kennels.
- (3) Private airport.
- (4) Two single-family dwellings for use of the owner thereof and/or rented to others.
- (5) Picnic grounds or grove for which a fee or rental is charged for the use of the premises, excluding all amusement devices other than customary playground apparatus.
- (6) Wind turbines in accordance with Article L and LIII.
- (7) Public events (yearly permit)
- (8) Private wildlife reservations or conservation projects, including the customary buildings and structures therefor.
- (9) Campground or recreational vehicle park on a minimum of 50 acres with no portion thereof less than 100 feet from any property line and no less than 10 campsites occupied or maintained for occupancy.
- 10) Commercial horseback riding stables (not defined as an Agricultural use by NYS) with trails on a minimum of 30 acres, with no portion thereof less than 100 feet from any lot line.

C. Accessory uses and structures.

- (1) Accessory uses permitted and as regulated in the R-A District.
- (2) Accessory uses and structures customarily incidental to permitted principal uses.
- (3) Refreshment stand dispensing food and beverages incidental to the operation of a commercial picnic grove.
- (4) Roadside stand or building for the sale and display of agricultural products grown on the premises. Any roadside stand or building used for the sale or display of such products shall contain no more than 600 square feet of floor area and shall be set back at least 20 feet from the right-of-way.
- (5) Satellite antennas measuring one meter or less in diameter. Such antennas shall require the issuance of a building permit. All such satellite antennas shall be located to the rear of the front building line of the principal building and, if located in a side yard area, shall conform to side yard requirements.
- (6) Solar energy conversion systems in accordance with Article LIV
- (7) Other accessory uses associated with a single-family home, as follows:
  - (i) Keeping of not more than three transient roomers and boarders (see bed and breakfast requirements in Section x of the zoning code).
  - (ii) Outdoor storage of not more than one each of the following: boat, boat trailer, camp trailer, or cargo trailer owned for personal use by a resident on the premises.
  - (iii) Private garage or open parking for operative passenger vehicles of person visiting or residing on the premises.
  - (iv) Playhouse, toolhouse or garden house.
  - (v) Private swimming pool not operated for gain.
  - (vi) Private stable or hobby farm, subject to the following requirements:
    - (a) The private stable shall be an accessory use incidental to a private dwelling located on the same premises or an adjoining parcel owned by the same party.
    - (b) Horses or other livestock may be kept exclusively for the use of the residents of the private dwelling and their nonbusiness guests; no boarding of animals for remuneration shall be permitted.
    - (c) The minimum lot size of a parcel used for private stable or hobby farm purposes shall be three acres. If one lot contains fewer than three acres but adjoins another lot owned by the same party which together would measure more than three acres in area, it shall be permitted for such lot to be used for the purposes of a private stable or hobby farm, provided that the total area devoted to such purpose under one common ownership is at least three acres in area.
    - (d) All pastures and paddocks utilized in connection with a private stable or hobby farm



- shall be securely fenced.
- (e) Manure or other similar material or substance produced or resulting from private stable or hobby farm usage of a parcel, and which creates or causes offensive odors, shall be stored at least 50 feet from any parcel lot line or street line and shall be located in a dry, level area away from slopes, streams, ditches, flood-prone areas and wetlands.
  - (f) No structure housing or sheltering animals shall be placed within any required building

#### **§ Minimum habitable floor area of dwelling.**

Minimum habitable floor area shall be:

- A. For single-family: 960 square feet.
- B. For two-family dwelling: 1,600 square feet total; 800 square feet for each dwelling unit.

#### **§ Maximum height of buildings.**

The maximum height of buildings shall be as specified in this section:

- A. Dwellings: 2 1/2 stories not to exceed 35 feet.
- B. Farm buildings: no limit.
- C. Other principal buildings: as regulated by yard requirements.
- D. Clubs: not to exceed 35 feet.
- E. Accessory buildings: not to exceed 25 feet.

#### **§ Minimum lot size.**

The minimum lot size shall be as specified in this section:

- A. Lot area.
  - (1) One hundred twenty-five thousand square feet (approximately three acres).
  - (2) Two-family dwelling or two single-family dwellings on a single lot: six acres.
- B. Lot width at building line shall be 250 feet.

#### **§ Required yards.**

The minimum required yards and other open spaces shall be as specified in this section:

- A. Front yard: 50 feet minimum requirement for setback from the edge of a right-of-way.
- B. Side yards: two required.
  - (1) For dwellings: 15 feet.
  - (2) Other principal buildings: Each side yard shall equal 30 feet for a single-story principal building and 45 feet for a two-story principal building.
- C. Rear yard. No rear yard shall have a depth of less than 50 feet measured from the main building or 15 feet measured from an accessory building.

#### **§ Off-street parking regulations.**

See Article XXXII

#### **§ Sign regulations.**

For applicable sign regulations, see the appropriate article of this chapter.

#### **§ Supplemental regulations.**

For applicable supplemental regulations pertaining to use, height, area or open space, see the appropriate articles of this chapter.

## **Agricultural and Open Space Overlay District**

### **§ 280- Purpose and intent.**

- A. In accordance with the recommendations and policies of the Town of Hamburg Comprehensive Plan, the purpose of this overlay district is to preserve and protect important agricultural, environmental, and open space resources, including scenic views and vistas; encourage bicycle and pedestrian access; and preserve the rural character of the area. This district contains significant tracts of freshwater wetlands and woodlands, agricultural and former agricultural lands, large parks, and recreation features, as well as habitats and management areas and designated conservation areas. This overlay is also intended to control suburban development and encourage agricultural and agriculturally related pursuits, without impacting the economic value of the land or hampering development altogether.
- B. The overlay district regulations will supplement the underlying zoning restrictions and provide for harmonious, safe, and orderly development within the district.

### **§ 280- Boundary description.**

The Hamburg Agricultural and Open Space Overlay District shall encompass all the land area that is located southeast of the NYS Thruway; southwest of the boundaries of the Incorporated Village of Hamburg, west of East Eden Road and to the Town boundary with the Towns of Eden (as illustrated on the Town's Zoning map).

### **§ 280- Objectives.**

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Hamburg Agricultural and Open Space Overlay District, shall be founded upon the following objectives:

- A. Guidelines and objectives for development.
  - (1) Land use decision making shall consider a wide variety of uses through the implementation of impact criteria to prevent potential adverse effects to adjoining properties and allow for more flexibility and creativity in design.
  - (2) Land use controls shall encourage larger lots, preserving open space, and encouraging agricultural, agricultural related and agri-tourism businesses and furthering the goals of the Town of Hamburg Comprehensive Plan.
  - (3) Conversions of lands to desired uses shall be encouraged.
  - (4) Suburban development shall be minimized to control/manage growth. Standard road frontage lots are highly discouraged to help preserve the character of this overlay area.
  - (5) Rural development guidelines shall be applied to manage growth and achieve a more desirable environment than what would be possible through the strict application of existing zoning regulations.

- (6) Development should be set back from roadways and adjacent agricultural development, as directed by the Planning Board, to preserve the rural character of the district.
- (7) To better manage suburban growth, the extension of public sewer lines beyond existing areas shall not be allowed.
- (8) Non-agricultural development shall be set back from roadways and adjacent agricultural development to preserve the rural character of the district. The aesthetics and layout of proposed development should be reviewed to prevent the area from taking on a suburban appearance.
- (9) Commercial development shall be concentrated in existing commercial areas rather than spread out in strips along major highways to preserve the rural character of this overlay district.

**B. Guidelines and objectives for environmental preservation.**

- (1) The amount of land clearing shall be minimized, and development shall be designed around significant resources on site, i.e., wetlands, steep slopes, scenic vistas, floodplain boundaries and wooded areas, to manage growth and achieve a more desirable environment than what would be possible through the strict application of the existing zoning.
- (2) Development shall be concentrated in areas that are already developed to control suburban sprawl and further the goals of the Town of Hamburg 2010 Comprehensive Plan.
- (3) Conservation easements, deed restrictions and other methodologies shall be utilized, to the greatest extent practicable, to preserve significant natural resources of developable lots.
- (4) More stringent environmental review shall be conducted for development of properties that contain extensive woodlands and other important natural resources.
- (5) Important habitats on the site should be identified, and the relative value of these areas for supporting wildlife should be determined.
- (6) Trees of a minimum size of eight-inch diameter at breast height (DBH), all important trees and any significant stands of vegetation shall be preserved to the greatest extent possible. The Planning Board, with input from the Conservation Board, will provide direction to the applicant regarding areas to preserve.

**§ 280- Permitted uses.**

- A. The uses permitted in the Agricultural and Open Space Overlay District shall be the same uses as permitted in the underlying zoning district(s).
- B. Major subdivisions for the purposes of residential development shall not be allowed.

**§ 280- Permitted accessory uses.**

The accessory uses permitted in the Agricultural and Open Space Overlay District shall be the same as the accessory uses permitted in the underlying zoning district(s).

**§ 280- Design regulations.**

- A. The division of lands, regardless of zoning classification, shall be subject to Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg, and restricted to only Minor Subdivisions of land.
- B. Subdivision plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and all other important environmental and cultural features in relation to the approximate locations of proposed homes and driveways on the property.
- C. Areas with significant trees along the road frontage must be identified and preserved to the greatest extent practicable. Predetermined driveway and home locations, as required under § 280-156A(2), will help to minimize tree loss during construction. Penalties and/or replacement of trees will be imposed and enforced by the Building Inspector if unauthorized tree losses occur during construction.
- D. Creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots, and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.
- E. Any minor subdivision must be laid out to incorporate all important natural and cultural features; these features must be preserved to the greatest extent practicable.
- F. Clear cutting of trees for subdivision lots shall be prohibited. In accordance with the Town of Hamburg Tree Preservation Law, plans shall be submitted that clearly delineate those vegetated areas of the site that will be preserved and those areas that will be disturbed for the construction of home sites (including driveways, septic systems, lawns, etc.). No more than 1/2 acre of any building site shall be cleared for the construction of a single-family home. In cluster developments this requirement can be reduced by the Planning Board. Prior to construction, these areas must be properly delineated in the field and reviewed by the Town. (This requirement shall be noted on the plans.)
- G. In certain cases, to preserve the rural character of the Agricultural and Open Space Overlay District, the Town may allow the establishment of open development areas, pursuant to § 280-a, Subdivision (4) of the New York State Town Law.
- H. The Town will not accept any dedication of roads.
- N. All proposed applications shall illustrate how pedestrian and bicycle traffic will be accommodated on the property.
- O. All proposed commercial structures shall be designed to preserve and continue the

rural character and appearance of the district. All site plan applications shall include perspective drawings to illustrate the proposed design.

- P. The Planning Board may waive or modify any requirements under this section where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished. In granting this waiver, the Planning Board shall attach such conditions as are, in the Planning Board's judgment, necessary to secure substantially the objectives of this overlay.

## ARTICLE XXVI

### Lakeview Overlay District

#### **§ 280- . Purpose and intent.**

- A. In accordance with the recommendations and policies of the Town of Hamburg Comprehensive Plan, the purpose of this overlay district is to preserve the rural nature and important natural resources of the Lakeview area of the Town. This district contains significant tracts of freshwater wetlands and woodlands, as well as wildlife habitats, wildlife management areas and designated conservation areas. This overlay district is also intended to encourage the renewal of existing commercial development areas in an effort to revitalize the Lakeview hamlet and provide for diversification of the land uses in this area.
- B. The Lakeview Overlay District regulations will supplement the underlying zoning restrictions and provide for harmonious, safe, and orderly development within the district.

#### **§ 280- . Boundary description.**

As indicated in the Town of Hamburg Comprehensive Plan, the Lakeview Overlay District shall encompass all that land area that is located southeast of Old Lakeshore Road and the shoreline of Lake Erie; southwest of Amsdell Road; northeast of the boundary with the Town of Evans; and northwest of the boundary of the New York State Thruway, as shown on the Town's zoning map.

#### **§ 280- . Objectives.**

To carry out the intent of the Lakeview Overlay District, application of the special restrictions and regulations contained herein shall be founded upon the following objectives:

- A. Guidelines and objectives for development.
  - (1) Suburban development shall be minimized to control growth.
  - (2) Rural development guidelines shall be applied to manage growth and achieve a more desirable environment than what would be possible through the strict application of existing zoning regulations.
  - (3) Existing commercial development shall be restored and improved, and any additional commercial uses shall be concentrated only in the hamlet area to revitalize this portion of the overlay district.
  - (4) Standard road frontage lots and commercial strip development shall be discouraged to allow for the development and physical site arrangements that would further the goals of the Town of Hamburg Comprehensive Plan.
  - (5) The aesthetics and layout of proposed development shall be reviewed to prevent the area from taking on a suburban appearance.
  - (6) Land use controls shall separate density from lot size, allowing for smaller lots, provided that overall density guidelines are maintained, thereby preserving open space. (See Subsection A(7).)



- (7) As recommended in the 1994 Open Space/Recreation Plan, cluster development shall be required for all proposed subdivisions that contain important natural resources and open space.
- (8) Additional sewer extensions (both public and private) shall be restricted in the district, and extensions currently under consideration by the county should be evaluated in relation to the recommendations of the Town of Hamburg Comprehensive Plan.
- (9) All site plan and subdivision plats should be reviewed for conformance with the recommendations set forth in the Town of Hamburg Comprehensive Plan.
- (10) In all major and minor subdivisions, and multiple-dwelling structures located in the Lakeview Overlay District, all extensions of private utility and communication distribution facilities shall be installed below grade. Where existing overhead distribution facilities are already in place, service from lot line to the proposed house shall be installed below grade. Installation shall be in the manner prescribed by the Building Code and utility company having jurisdiction. Where facilities are provided, they shall be planned to anticipate future utility needs.

B. Guidelines and objectives for environmental preservation.

- (1) Important environmental and cultural features shall be preserved and enhanced to further the goals of the Town of Hamburg Comprehensive Plan.
- (2) Important environmental and cultural features shall be mapped to illustrate existing conditions for all site plan and subdivision applications to depict existing conditions and permit effective site development analysis.
- (3) Major subdivisions shall not be permitted on soils that have a poor capacity for percolation (i.e., rates or conditions that would not allow the use of a standard or raised-bed subsurface wastewater disposal system) to protect important natural resources.
- (4) In accordance with the Town of Hamburg Tree Preservation Law, the amount of land clearing shall be minimized, and development shall be designed to avoid significant resources onsite, i.e., wetlands, steep slopes, scenic vistas, floodplain boundaries, significant woodlands, etc.
- (5) Important habitats on the site should be identified, and the relative value of these areas for supporting wildlife should be determined, and impacts minimized and mitigated.
- (6) Trees of a minimum size of eight-inch diameter at breast height (DBH), all important trees and any significant stands of vegetation shall be preserved to the greatest extent possible.
- (7) Conservation easements, land dedications and other methodologies shall be utilized, wherever possible, to preserve areas of significant open space and/or important natural resources.
- (8) All site plans and subdivision plats shall be reviewed for conformance with the Town of Hamburg 1994 Open Space/Recreation Plan and the Comprehensive Plan.

**§ 280- . Permitted and accessory uses.**

- A. The uses permitted in the Lakeview Overlay District shall be the same uses permitted in the underlying zoning district(s).
- B. Clustered development shall be encouraged, and in certain cases required, in accordance with the provisions of § 280-282A of the Town of Hamburg Zoning Code.
- C. The accessory uses permitted in the Lakeview Overlay District shall be the same accessory uses permitted in the underlying zoning district(s).

**§ 280- . Subdivision regulations.**

The division of lands, regardless of the zoning classification, shall be subject to Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg. The following special regulations shall apply to all subdivision of lands within the Lakeview Overlay District:

- A. Minor subdivisions.
  - (1) Minor subdivision plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and Comprehensive Plan and all other important environmental and cultural features in relation to the approximate locations of proposed homes and driveways on the property.
  - (2) Road frontage lots (lots fronting existing roads with each lot having its own driveway connecting to the existing road) are discouraged in minor subdivision layouts. If standard road frontage lots are proposed, the bulk requirements for frontage (building and front line) and lot size shall be increased by 25%, and these lots must be laid out to encourage the preservation of all important environmental and cultural features. (For example, in an RA District the bulk requirements for road frontage lots are amended to: lot area = 2.5 acres; lot width at building line = 250 feet; lot width at front line = 125 feet.)
  - (3) Areas with significant trees along the road frontage must be identified and preserved to the greatest extent practicable. Predetermined driveway and home locations, as required under § 280-176A(1), will help to minimize tree loss during construction. Penalties and/or replacement of trees will be imposed and enforced by the Building Inspector if unauthorized tree losses occur during construction.
  - (4) Creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.
  - (5) Where other creative site design techniques are proposed to preserve the rural character of the area, the Planning Board may allow for the reduction of bulk requirements by up to 25% to further accomplish these goals, as long as they meet all health code requirements and do not increase the overall allowable density that would be allowed for the parcel under the existing zoning district requirements. All cluster development proposals shall comply with §280-282 of the Town of Hamburg Zoning Code.

B. Major subdivisions.

- (1) Major subdivision plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and all other important environmental and cultural features in relation to the locations of the proposed homes on the property.
- (2) The subdivision must be laid out to incorporate all important natural and cultural features; these features must be preserved to the greatest extent practicable.
- (3) Standard road frontage lots are highly discouraged. Where they are proposed, the following shall apply:
  - (a) The bulk requirements for frontage and lot size shall be increased by 50%.
  - (b) A minimum of 50 percent of all trees located in the front and side yard setback areas must be preserved.
  - (c) Penalties will be imposed and enforced by the Building Inspector for the unauthorized loss of trees during construction.
  - (d) All lots must be laid out to encourage the preservation of all identified environmental and cultural features.
- (4) Clear cutting of trees for subdivision lots shall be prohibited. In accordance with the Town of Hamburg Tree Preservation Law, plans shall be submitted that clearly delineate those vegetated areas of the site that will be preserved and those areas that will be disturbed for the construction of homesites (including driveways, septic systems, lawns, etc.). No more than 1/2 acre of any building site shall be cleared for the construction of a single-family home. In cluster developments this requirement can be reduced by the Planning Board.
- (5) All major subdivisions in areas not having public sewers must include the submission of percolation test results performed by a licensed engineer. If the results indicate that a standard or raised-bed subsurface wastewater disposal system cannot be used, the subdivision shall not be approved unless a public sewer system is available to the site.
- (6) All proposed projects that include lands identified in the Town of Hamburg Open Space/Recreation Plan or Comprehensive Plan must submit a clustered site design layout that incorporates the preservation of all identified important natural and cultural features. All cluster developments must comply with the provision of § 280-282 of the Town of Hamburg Zoning Code.
- (7) In certain cases, to preserve the rural character of the Lakeview Overlay District, the Town may allow the establishment of open development areas, pursuant to §280-a, Subdivision (4) of the New York State Town Law.
- (8) For properties that do not contain features identified in the Town of Hamburg Open Space/Recreation Plan or Comprehensive Plan, creativity and flexibility in site design shall still be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of conservation easements, deed restrictions, flag lots, common driveways, curved driveways, the preservation of stone walls and hedges, and the like.

- (9) Entrances to proposed subdivisions must be designed in a manner that will discourage extended views of the subdivision. Corner lots at entrance points shall front on the new entrance road and these homes will be set back a minimum of 100 feet from the intersection.
- C. The Planning Board may waive or modify any requirements under this section where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished.

**§280- . Other development requirements.**

- A. Other residential development proposals must comply with the requirements established herein for major subdivisions.
- B. Commercial development within the Lakeview Overlay District shall comply with the following restrictions:
  - (1) All commercial development shall be located in existing commercially zoned districts and limited to the hamlet section of the Lakeview area.
  - (2) The Town of Hamburg Planning Board shall encourage the creative reuse of existing commercially zoned properties.
  - (3) Proposed commercial structures shall be designed to preserve and continue the rural character and appearance of the hamlet. All site plan applications shall include perspective drawings to illustrate the proposed design.

## Southeastern Hamburg Overlay District

### **§280- Purpose and intent.**

In accordance with the recommendations and policies of the Town of Hamburg Comprehensive Plan, the purpose of this overlay district is to preserve the rural character of the area. This overlay is also intended to manage development within the district to protect important environmental resources, including scenic views and vistas, and encourage bicycle and pedestrian access to the Village of Hamburg. The overlay regulations will supplement the underlying zoning restrictions and provide for harmonious, safe, and orderly development within the district.

### **§ 280- Boundary description.**

The Southeastern Hamburg Overlay District shall encompass all that land area that is located east of East Eden Road; South and east of the boundary of the Incorporated Village of Hamburg; south of Newton Road; west and southwest of the boundary of the Town of Orchard Park; and north of the boundary with the Towns of Boston and Eden.

### **§ 280- Objectives.**

The special regulations contained herein, which govern all proposed development and redevelopment within the boundaries of the Southeastern Hamburg Overlay District, shall be founded upon the following objectives.

#### **A. Rural development guidelines and objectives.**

- (1) Land use decision making shall consider a wide variety of uses through the implementation of impact criteria to prevent potential adverse effects to adjoining properties and allow for more flexibility and creativity in design.
- (2) Land use controls shall separate density from lot size, allowing for small lots, provided that overall density guidelines are maintained, thereby preserving open space and furthering the goals of the Town of Hamburg Comprehensive Plan.
- (3) Commercial development shall be concentrated in existing commercial areas rather than spread out in strips along roadways to preserve the rural character of the district.
- (4) Development shall be set back from roadways and adjacent agricultural development to preserve the rural character of the district. The aesthetics and layout of proposed development should be reviewed to prevent the area from taking on a suburban appearance.
- (5) Agriculture, agricultural related uses and agri-tourism uses shall be encouraged.

#### **B. Environmental protection guidelines and objectives.**

- (1) The amount of land clearing shall be minimized, and development shall be designed around significant resources on site, i.e., wetlands, steep slopes, scenic vistas, floodplain boundaries and wooded areas, to manage growth and achieve a more desirable environment than what would be possible through the strict application of the existing zoning.

- (2) Development should be concentrated in areas already developed to control suburban sprawl and further the goals of the Town of Hamburg Comprehensive Plan.
- (3) The amount of land clearing should be limited, and development should be designed around important natural resources on site.
- (4) Conservation easements should be utilized, to the greatest extent practicable, to preserve significant natural resources on developable lands.
- (5) More stringent environmental review should be undertaken for development of properties that contain extensive woodlands or other important natural resources. More stringent environmental review is mandated along the 18 Mile Creek corridor.

**§ 280- Permitted uses.**

- A. The uses permitted in the Southeastern Hamburg Overlay District shall be the same uses permitted in the underlying zoning district(s). Interpretation of allowable uses and rezoning of lands (especially to the new Ag district) will favor those uses that are agricultural related, including agri-tourism businesses
- B. Clustered development shall be encouraged, and in certain cases required, in accordance with the provision of § 280-282A of the Town of Hamburg Zoning Ordinance.

**§ 280- Permitted accessory uses.**

The accessory uses permitted in the Southeastern Hamburg Overlay District shall be the same as the accessory uses permitted in the underlying zoning district(s).

**§ 280- Subdivision regulations.**

The division of lands, regardless of zoning classification, shall be subject to Chapter 230, Subdivision of Land, of the Code of the Town of Hamburg.

**§ 280- Site design conditions.**

Development and redevelopment in the Southeastern Hamburg Overlay District shall comply with the following:

- A. No clear-cutting of trees; removal of trees must be minimized. Areas where trees will be removed must be shown on the site plan or subdivision plan submitted.
- B. In accordance with the Town of Hamburg Tree Preservation Ordinance, plans shall be submitted that clearly delineate those vegetated areas of the site that will be preserved and those areas that will be disturbed for the construction of homesites, other structures, driveways, and septic systems. Penalties and/or tree replacement will be imposed and enforced by the Building Inspector if unauthorized tree losses occur during construction. Furthermore, no more than 1/2 acre of any building site may be cleared for the construction of a single-family home in the district.
- C. Subdivision plats and site plans must clearly depict all features identified in the Town of Hamburg Open Space/Recreation Plan and the Comprehensive Plan, and all other important environmental and cultural features in relation to the approximate location of proposed homes on the property. Special consideration shall be given to the important views and vistas in this area (to be illustrated on any plan submitted).
- D. Creativity and flexibility in site design shall be encouraged, including variation in the configuration of lots (clustering) and building setbacks, as well as the utilization of



conservation easements, deed restrictions, flag lots, common and curved driveways, the preservation of stone walls and hedges, and the like.

- E. In certain cases, to preserve the rural character of the Southeastern Hamburg Overlay District, the Town may allow the establishment of open development areas, pursuant to § 280-a, Subdivision (4), of the New York State Town Law.
- F. Standard road frontage lots shall be discouraged. Where road frontage lots are proposed, the bulk requirements for frontage and lot size shall be increased by 25%, and these lots must be laid out to encourage the preservation of all important environmental and cultural features.
- G. Entrances to proposed subdivisions must be designed in a manner that will discourage extended views of the subdivision. Corner lots at entrance points shall front on the new entrance road, and these homes will be set back a minimum of 100 feet from the intersection.
- H. All proposed applications shall illustrate how pedestrian and bicycle traffic will be accommodated on the property and, if applicable, provide/enhance connections to the Village of Hamburg.
- I. All proposed commercial structures shall be designed to preserve and continue the rural character and appearance of the district. All site plan applications shall include perspective drawings to illustrate the proposed design.
- J. The Planning Board may waive or modify any requirements under this section where an undue hardship on the property owner is clearly demonstrated and, that in doing so, the intent and purpose of the district is not diminished.
- K. In all major and minor subdivisions, and multiple-dwelling structures located in the Southeastern Overlay District, all extensions of private utility and communication distribution facilities shall be installed below grade. Where existing overhead distribution facilities are already in place, service from lot line to the proposed house shall be installed below grade. Installation shall be in the manner prescribed by the Building Code and utility company having jurisdiction. Where facilities are provided, they shall be planned to anticipate future utility needs.

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

### A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. <i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No  <i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No		

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

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c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

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**C.3. Zoning**

201

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?

\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?

\_\_\_\_\_

d. What parks serve the project site?

\_\_\_\_\_

\_\_\_\_\_

**D. Project Details****D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ acres

c. Total acreage (project site and any contiguous properties) owned  
or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

\_\_\_\_\_

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, show numbers of units proposed. <span style="float: right;">202</span>				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <span style="float: right;"><input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify:</span> _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres: 203

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> <li>i. How much impervious surface will the project create in relation to total size of project parcel?             <div style="margin-left: 20px;">               _____ Square feet or _____ acres (impervious surface)                _____ Square feet or _____ acres (parcel size)             </div> </li> <li>ii. Describe types of new point sources. _____</li> <li>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</li> </ul>	
<ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	
iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> <li>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</li> <li>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</li> <li>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</li> </ul>	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> <li>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</li> <li>ii. In addition to emissions as calculated in the application, the project will generate:             <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul> </li> </ul>	



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <div style="font-size: 1.2em; font-weight: bold;">205</div>		
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply):    <input type="checkbox"/> Morning        <input type="checkbox"/> Evening        <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces:    Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;">Yes    No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	<p>206</p>
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>_____</li> <li>• Operation: _____</li> <li>_____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility?

☐ Yes
☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities):

ii. Anticipated rate of disposal/processing:

Tons/month, if transfer or other non-combustion/thermal treatment, or

Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life:
years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?

☐ Yes
☐ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility:

ii. Generally describe processes or activities involving hazardous wastes or constituents:

iii. Specify amount to be handled or generated
tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents:

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?

☐ Yes
☐ No

If Yes: provide name and location of facility:

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

## E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban
☐ Industrial
☐ Commercial
☐ Residential (suburban)
☐ Rural (non-farm)

☐ Forest
☐ Agriculture
☐ Aquatic
☐ Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and coverytypes on the project site.

Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe:			

<p>c. Is the project site presently used by members of the community for public recreation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>i. If Yes: explain: _____</p>	<p>208</p>
<p>d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Identify Facilities:</p> <p>_____</p> <p>_____</p>	
<p>e. Does the project site contain an existing dam? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Dimensions of the dam and impoundment:</p> <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> <p>ii. Dam's existing hazard classification: _____</p> <p>iii. Provide date and summarize results of last inspection:</p> <p>_____</p> <p>_____</p>	
<p>f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Has the facility been formally closed? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> <p>ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:</p> <p>_____</p> <p>_____</p> <p>iii. Describe any development constraints due to the prior solid waste activities: _____</p> <p>_____</p>	
<p>g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:</p> <p>_____</p> <p>_____</p>	
<p>h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database         </div> <div>           Provide DEC ID number(s): _____            Provide DEC ID number(s): _____         </div> </div> <p>ii. If site has been subject of RCRA corrective activities, describe control measures: _____</p> <p>_____</p> <p>iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, provide DEC ID number(s): _____</p> <p>iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):</p> <p>_____</p> <p>_____</p>	

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: <span style="float: right;">209</span></li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> <li>_____</li> <li>_____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Well Drained: _____ % of site </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Moderately Well Drained: _____ % of site </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Poorly Drained: _____ % of site </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 0-10%: _____ % of site </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 10-15%: _____ % of site </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 15% or greater: _____ % of site </div>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ _____	
h. Surface water features. <div style="margin-top: 10px;"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. </div> <div style="margin-top: 5px;"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> <li>• Streams: Name _____ Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> </div>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <div style="margin-top: 5px;"> i. Name of aquifer: _____ </div>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p style="text-align: right; font-weight: bold;">210</p>
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">_____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <span style="margin-left: 20px;"><input type="checkbox"/> Biological Community</span> <span style="margin-left: 20px;"><input type="checkbox"/> Geological Feature</span></p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the <del>NY</del> <sup>NY</sup> State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_



**Town Board of the Town of Hamburg  
January 23, 2023 Meeting**

**39. Scranton Vol. Fire Co. EMS/Ambulance Fees**

**TOWN OF HAMBURG  
RESOLUTIONS AUTHORIZING FEES AND CHARGES  
FOR EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICE  
SCRANTON VOLUNTEER FIRE COMPANY**

WHEREAS, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

WHEREAS, the Law further authorizes the authorities having control of a fire department or fire company may provide for the collection of fees and charges for the collection thereof by the fire department or fire company; and

WHEREAS, the Law provides that if the authorities having control of a fire department or fire company have authorized such fire department or fire company to fix a schedule of fees or charges to be paid by persons requesting such service or services, and seek participation in and reimbursement from the medical assistance program, the authorities having control of a fire department or fire company shall adhere to any medical assistance enrollment and billing requirements applicable to such services prior to receiving reimbursement; and

WHEREAS, the Law further provides that where a basic life support service which establishes a schedule of fees for service shall enter into a contract with a provider or providers of advanced life support services to provide such advanced life support services and that such contract shall at a minimum establish the fees for advanced life support services and the means by which said provider will be reimbursed when the ambulance service bills for emergency medical service; and

WHEREAS, the Law further provides that where an, emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) which does not issue a bill for its services and which requests an Advanced Life Support (ALS) intercept from another ambulance service furnishing service in an area that is designated as a rural area by any law or regulation of the state, or that is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification), shall pay the ambulance service providing the ALS intercept an ALS Rural Intercept Fee at rates negotiated between the providers of such services; and

WHEREAS, the Law further provides that in the absence of any agreed-upon rates, the service receiving such ALS intercept shall pay the service providing the ALS intercept for such services at the usual and customary charge, which shall not be excessive or unreasonable; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) to fix a schedule of fees or charges to be paid by persons requesting such service or services, may apply such fees and charges only within such service's primary response territory as assigned and evidenced by a valid ambulance service certificate issued by the Commissioner of Health pursuant to section three thousand five of the Public Health Law, on or before January first, two thousand twenty-two; and

WHEREAS, the Law further provides that an emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, authorized pursuant to General Municipal Law section 209-b(4) shall not directly issue a bill for its services to any uninsured recipient of such services; and

WHEREAS, the Town of Hamburg ("Town") has historically and currently intends to continue to exercise the authority conferred to it by law, including authorizing the Scranton Volunteer Fire Company, Inc.

("Scranton VFC") to provide emergency medical services including basic life support ("BLS") and advanced life support ("ALS") ambulance services (hereinafter collectively referred to as "ambulance services") within its primary territory as defined by Public Health Law 3001 ("Operating Territory") and as otherwise permitted by law including mutual aid outside of its primary territory; and

WHEREAS, the Board of the Town of Hamburg ("Board") after due deliberation, finds it in the best interest of the Town of Hamburg to authorize fees and charges for emergency medical services and ambulance services Scranton VFC as authorized by Law and these Resolutions;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hamburg hereby authorizes fees and charges for emergency medical services and ambulance services by Scranton VFC as authorized by Law and as provided for by these Resolutions; and it is further

RESOLVED, that the fees and charges collected shall be collected and used by Scranton VFC as it deems appropriate for emergency medical and ambulance services and otherwise consistent with the terms and conditions of the current agreement between the Town and Scranton VFC for fire protection pursuant to Town Law 184 and as otherwise provided by law; and it is further

RESOLVED, that the Board hereby directs that Scranton VFC shall immediately commence revenue recovery for its emergency medical and ambulance services and shall utilize a third-party billing and revenue recovery agent or agents appointed by the Scranton VFC for such purposes and under such terms and conditions as the Scranton VFC may in its discretion find appropriate; and it is further

RESOLVED, that the Board hereby directs that such revenue recovery by the Scranton VFC for its emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A which the Board may amend in its discretion from time to time; and it is further

RESOLVED, that the Board hereby determines that commencing at 12:01 am. on October 18, 2022 and until such time as a contract or contracts have been entered into with a provider or providers of advanced life support services for such advanced life support services or for ALS intercept services, the Board hereby sets the maximum reimbursement rate to be paid for any such ALS or ALS intercept services provided to the Town or its fire department shall be reimbursed at the lesser of the Medicaid or Medicare reimbursement rate(s) in effect at the time of such ALS intercept service, for such service; and it is further

RESOLVED, that the Board hereby determines that it shall, as a matter of public policy and as part of a comprehensive regulatory system for the delivery of emergency services within the Town, waive any co-pay due from any resident of the Town; and it is further

RESOLVED, that the Board hereby directs that all revenue recovered pursuant to this authorization and these Resolutions shall be deposited and segregated from other Scranton VFC funds and used for the delivery of emergency medical and ambulance services as the Scranton VFC may properly determine in its sole discretion; and it is further

RESOLVED, that the Board hereby directs that it shall not, directly or indirectly, by Town personnel or its agents and employees, including the Town's billing service agency issue a bill for its services to any uninsured recipient of such emergency medical and ambulance services, pursuant to General Municipal Law section 209-b(4)(e); and it is further

RESOLVED, that except as otherwise provided herein, these resolutions shall take effect immediately.

**SCHEDULE 'A'****2022-23 Town of Hamburg Schedule of Fees and Charges**

<b>BLS Transport</b>	Basic Life Support Basic EMT level provided	<b>\$1100</b>
<b>ALS 1 Transport</b>	Advance Life Support Treatment above basic EMT level	<b>\$1400</b>
<b>ALS 2 Transport</b>	3 or more drugs administered, or one of 7 procedures done to patients*	<b>\$1700</b>
<b>BLS Intercept</b>	BLS – level on board another agency's transporting ambulance	<b>\$700</b>
<b>ALS Intercept</b>	ALS – level on board another agency's transporting ambulance	<b>\$750</b>
<b>Treat and Release</b>	BLS – level treatment or assessment to a patient who refuses transport	<b>\$500</b>
<b>Mileage</b>	Loaded Mileage	<b>\$35 per mile</b>

\*The 7 procedures are as follows: Defibrillation, Cardioversion, External Pacemaker, Intraosseous infusion, Airway Device Intubation, Chest Decompression, Surgical Airway

Moved: R. Hoak

**Town Board of the Town of Hamburg**  
**January 23, 2023 Meeting**

**40. Amendment - Big Tree Vol. Fire Co. EMS/Ambulance fees**

**TOWN OF HAMBURG**

**RESOLUTIONS SETTING FEES AND CHARGES FOR  
 EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICE**

FILED IN TOWN  
 TOWN CLERK'S OFFICE  
 2022 DEC 14 P 2:25  
 HAMBURG, NEW YORK  
**RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, General Municipal Law sections 209-b and 122-b, and as otherwise provided by law (the "Law") provides that the authorities having control of a fire department or fire company that have authorized such fire department or fire company to provide emergency and general ambulance service, including emergency medical service as defined in section three thousand one of the Public Health Law, may fix a schedule of fees or charges to be paid by persons requesting such service or services; and

**WHEREAS**, the Town Board of the Town of Hamburg ("Board") after due deliberation, previously determined that it is in the best interest of the Town of Hamburg to authorize fees and charges for emergency medical services and ambulance services as authorized by Law and these Resolutions; and

**WHEREAS**, the Board previously authorized the Big Tree Volunteer Firemen's Company, Inc. ("Big Tree VFC") to levy and collect fees and charges for emergency medical services and ambulance services as authorized by Law and as provided for by such Resolutions and such other determinations, rules, regulations, policies and procedures as may be made from time to time by the Board; and

**WHEREAS**, the Board previously authorized a Schedule of Fees to be collected for such ambulance services; and

**WHEREAS**, the Board now determines that revision of such Schedule is appropriate.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that the Town Board of the Town of Hamburg hereby directs that such revenue recovery for emergency medical and ambulance services shall utilize the rate of services as attached to these Resolutions as Schedule A, which the Board may amend in its discretion from time to time; and it is further

**RESOLVED**, that these resolutions shall take effect immediately.

**SCHEDULE 'A'****2022-23 Town of Hamburg Schedule of Fees and Charges**

<b>BLS Transport</b>	Basic Life Support Basic EMT level provided	<b>\$1100</b>
<b>ALS 1 Transport</b>	Advance Life Support Treatment above basic EMT level	<b>\$1400</b>
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Moved: R. Hoak